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Occasional Letter

On the Subject of

English Convocations.

By the Author of

Ecclesiastical Synods

AND

Parliamentary Convocations

IN THE

Church of *England.*



L O N D O N :

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A N

Occasional Letter, &c.

S I R,

I Have reason to take your Letters very kindly; because I know the grounds of your Friendship, and I have tried the effects of it; but really I should make you no Return, if it could be spar'd with Justice and Good Manners.

I think it beneath Me to take notice of the *Remarks upon the temper of the late Writers about Convocations*. Nor can I easily believe your Suggestions, that He for whose Cause 'tis wrote should be himself the Author of it. The Title throws it upon a *Gentleman in the Country*, surely to ridicule the *Country Gentlemen*, who (as far as my experience reaches) have more Sense and Civility. Do you think it becomes me to Answer a Pamphlet, that banters the *Divine* into the Character of a *Quack*, and runs on the Metaphor of *Druggs, Receipt-Books, and Dispensatories*, p. 33, 34. that turns the whole *Dedication* into *Burlesque*, p. 34. and Part of the Book into *Blank Verse*, p. 51. that calls all the foulest Names, and loads me with Accusations of greatest falshood, p. 56, 57, 58, &c. No, no! I have nothing to say: Let the World judge on which side the *Temper* lies.

But since the Subject of your Letters are the several Objections made to that Discourse

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of *Synods* and *Convocations*, as you have taken them (you say) not from your own Judgment, but from the Report and Suggestion of other Men ; and since you urge, that the less weight there is in such Objections, there is the more reason to take off the prejudice of them ; but especially, since you insist upon it as a benefit and ease to me, that when I have given satisfaction in some few Particulars, I may better prosecute the Subject in a *Second Part*, &c. I therefore submit to your Advices and Desires in a fair and honest manner.

You have Sense enough to consider the difficulties I lay under, upon that *First Attempt*.

1. There is no wise Man can delight in Controversy ; It must be Necessity, not Option, that shall draw him into it. Peace and Safety are the Instinct of Mankind ; and without the unnatural delight in Noise and Mischief, no one chuses to Dispute and Quarrel : There must be high Provocation, and some Sense of Conscience and of Honour. You that have convers'd with me, so frequently and freely, you best know, whether I have any Love of contending in Private Discourse : Whether I catch at any advantages for Opposition, and seek out occasions to Contradict and Reprehend. I hope if you had found this weakness in me, you would have been the *Friend* to advise me of it : I take your Silence for an Argument of my Innocence, and I appeal further to all my Acquaintance. But I would avoid this Infirmary in Writing, more than in Conversation : For the Press wounds deeper than the Tongue ; and a Man may bear with the

the Privacies of opprobrious Discourse, who would shun the dangers of a Publish'd Defamation. This Reason brought me into the Controversial Writing with great Reluctance; and (in all sincerity) if I had not thought the Interest of the Church and the Honour of the Clergy very much concern'd; I should not have took even the right side of a Question, when I knew the contrary would be maintain'd with Vehemence and Resolution.

2. I had an Opponent to deal with, of no yielding Temper: One who had carried his Assurance to the utmost height, and with whom *no shadow of doubt remain'd; but that* Ep. Ded. to 2 Edit. *what he had written was Truth, and would stand.* What could be hop'd from such a Champion, but Defiance and Contempt; which if never so ill Grounded, do naturally mortify any modest Man, conscious of Faults and Frailties? I must have leave to think, this very Consideration was the Cause, why Mr. A. was not sooner Answer'd by some better Hand. Men do not care to engage upon unequal length of any sort of Weapons: Fair and even terms are the best Motives to bring in Defenders of the Truth. Otherwise for one Man to *Argue*, when the other shall only *Reville*: This disposes the Wiser Men to keep their Thoughts to themselves, and be inoffensively Quiet. I had really consulted the same ease; but that in my Apprehension, the Government of Church and State was endangered by such *Principles*, and would be more in danger by any *Proceedings* on them. And therefore I thought it a Duty to prefer the Church and Nation's

Peace before my own ; and to expose my self to any ill Resentments, for preserving and promoting (as I thought) the Interest of the Publick.

3. It is further an invidious thing to oppose any Popular Cause, whither right or wrong ; if it has possess'd a Number, and secur'd a prevailing Party. This was much the Case in Mr. A's way of Writing : He had set up such specious Pleas for *Rights*, *Powers*, and *Privileges* ; had claim'd them in such Forms of Assurance, and asserted them with such an Air of Earnestness and Zeal ; That at the First View, a great part of the Clergy could not but grant it to be *Truth*, or wish it *so* : Hence it should be thought an ill Office in any one Divine, to oppose the Sense of so many of his Brethren. Tho' more *Enquiry* into such Principles, and more *Experience* of the Consequences of them, would by degrees Reconcile the Men of Peace and Goodness.

4. But the greatest Discouragement I labour'd under, was want of time, by a Course of Duty and the continual Avocations of it. To state the Mysteries of *Fact*, and the tender Points of *Law*, upon the successive Constitution of Church and Kingdom, requires Thought, and Search, and Application, and Review ; with Collating and Adjusting at Leisure, and in a Compos'd Retirement. A *Copy of Verses*, or an *Essay* may be the Flight of a spare Hour : But the *Foundations* of Government, with the various State of the Times and Seasons of it, are so intricate and nice a Matter, that there must be silent Days and Nights, to Discover, to Compare, to Settle the Truth of Things and Times.

It was therefore prudent in Mr. *A.* to plead *Deliberation* in this way of Writing, that he had *considered the Point in Debate, with particular Pref. p. 1. Care and Application.* That his *Papers, tho' prepar'd early, should see the Light no sooner—but—be deferr'd so long, &c.* For to have own'd him- *lb. p. 2.* self in haste upon such a Laborious Scheme of Politicks, would have prejudic'd any Man that understood the Nature of such a Cause. It was, I say, Prudence in Mr. *A.* to obviate this Exception, and to assure the Reader, of his long depending Care and Caution. But then the Honesty and the Wisdom of this Plea, must lie in the Truth, and in the Success of it. If for all this Profession of suspense and delay, that Author did write in a greater hurry than he will acknowledge, and did cast Materials together much faster than Strength and Order did require: If, as on occasion he himself confesses, He was *not led so much by Inclination to Studies of this kind, as pushed on by a hearty concern for the Interests of Religion, and by an eager desire of doing somewhat, &c.* Then truly, he should not have boasted so much of his slow and sedate Measures: Or if he did indeed bestow the Pains and Years he pretends to, He must needs have the less excuse for his infinite Errors; for making his Positions so very Absurd, and his Authorities to support them so very Weak and Wrong; as I think I have *Demonstrated* in the Examining *one Chapter and half* another; and shall abundantly *Confirm*, if I go through the whole.

But whatever pretensions Mr. *A.* had to Second Thoughts and Serious Demurs ; I put in no such Claim, because I had no Title to it. I took up the Resolutions of Vindicating a good Cause very *late*, and then did it tolerably *soon* ; and this with Interruptions unavoidable. And especially at the Close of the Impression, I was diverted with such particular Cares and Troubles, that made me unable to Review the Sheets before the *Publication* of 'em. Hence many Errors of the Press did escape me ; And some Mistakes of a Head too full of other Thoughts. Were those Mistakes more Frivolous or more Material, I would gladly own them, and impute all (as they may deserve) to Ignorance or to Carelessness. Such as I have since Observ'd, I have put at the End of these Sheets for the Service of Exact Readers.

There be indeed some other Mistakes that I will not ascribe to the Press ; as *p. 57. l. 8. Hen. 7. for Hen. 6.* yet I think in my Copy it was *Hen. VII.* Numeral Letters are apt to be cast out and in, as in Mr. *A.*'s Preface to II. *Ed. p. xiii.* what he plainly meant *III Principles*, is put numerically *III Principles*—— *p. 112.* I am not confident in the Age of *John de Aton*, who gloss'd the Legatine Constitutions : Whither the Reasons I there offer from *M. Paris* and *R. Grosthead* be sufficient to support the Authority of *Bale*, *Pits*, and *Duck*, that he was the Elder *Acton* under *Hen. III.* and *Ed. I.* or whither he was the Junior *John de Aton*, or *Athon*, who died Canon of *Lincoln*, 1350. Mr. *A.*'s unquestionable Authorities do only prove such a *Man*, not such an *Author*. There is indeed one Passage in those

those Comments, that (if we could depend upon it) would determine the Dispute. *Solutio Secundum venerabilem Patrem Dominum Johannem de Stratford Doctorem meum nuper Wintoniensem Episcopum jam vero Cantuariensem*. If we were sure these were *Athon's* own words, He must be the Junior *Aton* cotemporary with Archbishop *Stratford*, who died Two years before him, 1348. But then 'tis plain, That those Glosses under the Name of *John de Athon* have been supplied and interpolated by some later hands; and 'tis hard to distinguish which are the *Original*, and which the *Additional* words. In some of the Glosses, you have a Reference to *John de Athon*, as to a preceding Writer, *vide ea quæ ibi notat Joh. de Athon*, p. 20. *ibi notatur per Doctores*, *Joh. de Athon*, p. 30. In others, you have him cited at the end of many Paragraphs, *Joh. de Athon*, as if he were entitled only to those particular Glosses. And again in other places, you have a better Character of him, than he would have given of himself, *Joh. de Athon* interpretes acutissimus, p. 30. &c. p. 119. l. 19. Nor had those Proctors of Chapters been then summon'd, but that their own property was concern'd in the Pope's demand. I do not think them summon'd purely for that reason, and therefore I should have express'd it with some restriction: But indeed this History of the Council in *France*, as delivered by *Mat. Paris* is all condemn'd as entire falshood by very good Authors.——p. 128. l. 18. And indeed the Conclusion of the Fifth Constitution is of it self evidence, That the Council there concluded, with an Order, that the several pre-

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bus ad ver-
ba, Quod
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possessione
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Oxon.
p. 129.

reading Canons should be read four times a year in the Rural Chapters. This was a Mistake, yet of the Cause, not of the Effect. The Council did there conclude, but not for this reason; as will appear in what follows.—ib. p. 128. *Siquis vera dicta Statuta recitare neglexerit Archidiaconus seu Decanus vicem ejus gerens, omni sexta Feria in pane & aqua jejunare per obedientiam nisi infirmitate prepediatur teneatur, donec in sequenti Capitulo ipsa fecerit recitari.* I read this Clause, as in our printed Books, *dicta Statuta*, and then not knowing how to reconcile *ipsum* with the Antecedent, I thought it a literal mistake for *ipsa*, that must agree with the *dicta Statuta*. By looking on the Manuscript Copies I am satisfied the whole period runs false in *Lyndwood* and *Dugdale*, and should be thus amended. *Siquis autem dicti Statuti recitationem maliciose impedierit, Excommunicationi subjaceat ipso facto. Siquis vero recitare neglexerit, siue Decanus seu gerens vices ejus, omni sexta feria in pane & aqua jejunare propter inobedientiam, nisi infirmitas impediatur, teneatur, donec in sequenti Capitulo ipsum fecerit recitari.* By which true Reading it is very plain, That the words do not relate to all the foregoing Canons, nor indeed to this *de Concubinariis*, but to a Constitution of *Ottobon* on this Subject, which was now enjoyn'd to be read in the Four Rural Chapters every Year. However, the main Argument (to which I applied this Passage) is still the same, that *here end* the Decrees of the Reading Council, and that the other Five Constitutions which follow in a continued series at the end of *Lyndwood*, (yet omitted

in *Dugdale*) were by no means ordain'd in that Provincial Synod at *Reading*, 1279. as I then asserted against a very strange Inference of Mr. *A.*—p. 151. l. 7. *Here in Parliament.*—I mean as in the Line foregoing, the Parliamentary Provincial Convocation, *ib.* They petition'd, that they and their Servants, (i. e. the Lower Prelates and Proctors, with the Servants of them, for the Bishops had the privilege before) might have the like benefit of Indemnity and Protection with the Temporal Commons, while call'd to Parliament with them; I mean still to attend in Convocation call'd with or near a Parliament, chiefly for the like State-Purposes of claiming Liberties, and giving Aids: For I believe the Clergy while they were a constant Part of Parliament by the *Pramunientes* duly executed; had the same protection with the Lay Commons. But when summon'd to Convocation by the King's Provincial Mandate, they had not the like privilege, till it was now enacted for them. And this indeed shews more of the distinct Nature, and separate Rights of the Clergy in the National Parliaments, and in their Provincial Convocations only, as I gave the Sense of that Statute 8 *Hen. VI.* against the larger interpretation of Mr. *A.*—p. 161. l. 1. *which being made in pursuance of the Lateran Council.* I should have distinguish'd; but I hope no one understands, that I could mean it of the Fourth Lateran Council held after this time; but of the third 1179. in which some Canons seem to give occasion to these Encroachments of *Hubert* 1200—p. 163. l. 20. *dele de die in diem*, which does not belong to the forementioned

tioned words *semel & secundo*, which of themselves alone prove the Conjecture, that when the Council met *first*, they broke off to a *second* Meeting.—p. 274. l. 19. *Nor was it to cite the Clergy of the Diocese, or the Archdeacon, but a Proctor for the Capitular Body of Christ-Church in Cant.* Yes, it was to cite the Archdeacon and two Proctors of the Clergy to appear in Parliament.—p. 221. l. 9. *Visitations—One after Easter, the other after Michaelmas: One commonly by the Bishop or his Chancellor, the other by the Archdeacon.* By *commonly* I do not meant constant Practice, but that it was often so, and is still so in some Dioceses.—p. 275. l. 2. *Another Parliament, I should have said another Sessions of Parliament.*—p. 361. l. 7. *Citizens or Burgeses then summon'd, add in so regular and ample manner.*

Thus, Sir, have I run over all the Erroneous or too Ambiguous Words and Expressions, which I can observe in the composition or impression: It is possible some few may have yet escap'd, the which I shall as freely own, as soon as I can be sensible of 'em. I hope none of these I mention, could lead the Reader into any misapprehending of the main Subject: I think, right or wrong, they do not affect the true merits of the Cause, or move the Controversy as it lies between us: However, I would confess the very least Mistakes; and beg it may be taken, as I mean it, for ingenuous Confession, which I think to be the duty of all Christian Writers. I wish Dr. A. had set me the Example; or however that he
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would let me recommend it to him. We Authors, if we would be open, can tell more of our own faults, than most other People can discover in us : And when we have our selves confess'd them, none can be so cruel as to upbraid us with them. If He be so unkind, as to turn these Acknowledgments into Reproach or any Jest : I must beg Him to consider, that I have not retracted any one Principle of all those in which I differ'd from Him : Nor could I alter any one of those Corrections which I made of his Mistakes : Nor is there any one of these Amendments, that can affect the Argument to which the Mistake was ill applied ; Nor again, is there any one Error, that could appear voluntary or of perverse Design ; because no one Position did depend upon any one of them. The true Reason of them was this, The Press was not sufficiently revis'd, and the Author was not Infal-
lible.

I hop'd those Faults were the *only* Objection to the Book ; but you are pleas'd to Report some *others*, and to desire I would give you a little Satisfaction in them.

I. One Offence, you say, is taken in the liberty I have us'd in exposing the Author or treating him with that Air of Assurance and Disdain, with which I complain he had treated others. You hear his Friends say, it is *insolently done* : And you tell me he himself has exclaim'd, that I have *used him Barbarously*. For this I would be judg'd by my own Words, as I must be one Day by my own Conscience. The hardest of my Expressions must be either
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on his *Book*, or on his *Person*. Among the necessary Animadversions on his Book ; I have indeed call'd it *not only one of the most disjointed Pieces I ever yet saw, but still the most imperfect*, Pref. p. iii. Because indeed I apprehended the Method of his Arguments to be Inverted, and the order of his Materials to be very confus'd : And in the last Edition, which should have been the uniform and entire Work ; I found the Preface so contriv'd for a new Scheme ; the Body of his Book so perplex'd with Insertions and other Alterations ; the Appendix so swell'd with Instruments that did not agree with the preceding Application of them ; and after all, the *Addenda* so qualifying and so revoking many Words and Thoughts that went before ; that I could have no kinder Notion of it, than as a *most disjointed and imperfect Piece*.

Those that examine and compare it, have reason to judge so of it : And I believe, those who barely read it, find it very hard to pick out the connexion of it. For this same reason I did again censure it, as a *most inaccurate, confused, and mistaken Account*, p. 175. And if the Grounds of such a Censure be in my want of Understanding only, I shall be glad to yield to any better Information. These and other Characters of that Performance are I am sure in much softer Expression, than what Mr. A. had used upon his own Occasions of running down another Author. Dr. W's Work is a *shallow empty Performance, written without any Knowledge of our Constitution, any Skill in the particular Subject of Debate—Disguising the Matter with slight Colours.—A mighty Performance,*

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nce, really nothing more than a Series of long,
at impertinent Accounts, attended with suitable
Reflexions, but without one wise Word spoken or
the Stroke struck in behalf of his Point from the
beginning of the Book to the end of it. — When
a Man advances is not only ill design'd, but
grounded, and his Principles are as False as they
are Scandalous (as I have evidently prov'd his to
be) there are no Names and Censures too bad
to be bestowed on such Writers and their Writings.
There is an infinite variety of these Flowers
scatter'd thro' his Book; these are a few only of
them that abound in the Preface. And when
a Writer had took that liberty with another Man's
Work, could he expect that his own should be
reprov'd with Gentleness and the Arts of Com-
plaisance? It is well his Example did not more
infect, and make his Answerer full as Rude and
Reproachful.

As to any Reflexions on his *Person*, I hope
none can be called *Personal*. I am sure, there
is not one Word detracting from him, but as
a *Writer* only. Nor were any other of his *Wri-
tings* examin'd and reprov'd, but that *Work* alone.
His *Intellectuals* were no worse represented,
than by owning, *I knew the Author to be a
Man of good Parts, and a sharp Pen, &c.* Pref.
p. iii. And as to his *Morals*, there was not a
Word of them. But I am glad that he and
his Friends are by this means come to a sense of
the Indecency and Irreligion of a taunting and
obprobrious way of Writing. When the sharp
and insulting Vein of Mr. A. was before ob-
jected, the Answer was ready among Some,
that it was a good Spirit, and a commanding Pen;
and as to the Parties reflected on, why truly
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they deserv'd *that*, and worse. But now as soon as a lighter Reproof is turn'd upon him; it is presently all base and barbarous. What a different Sense have some Men of Injuries, when they do them unto *Others*, from what they have when they come to think, that they suffer 'em *themselves*. By the hardest Words given to Mr. *A*. I meant not to wound his Reputation, but to heal the Wounds which he had made on *other* Men. When I was to vindicate many innocent Persons from his ill Names, and most injurious Characters: What could I say less, than that *He* who gave them, was not a Fair Witness?

I confess my Temptations lay to a much greater Liberty. Men can scarce discover an Adversary's weak Side, without naturally pushing hard upon it; and if they are abundantly satisfied with being in the *Right*, they can hardly suppress the Frailty of a little trampling upon those, whom they verily believe in the *Wrong*. But especially, when Men of any concern for a Church and the Governors of it, see *that Church* under pretence of Saluting effectually betrayed: And *those Governors* ignominiously treated, under Characters of haughty Contempt and designed Odium: This decently sharpens a respectful Pen, and makes Indignation it self the Duty of every obedient Son. I was under such Thoughts and Persuasions, while I was Answering that Book, and could therefore hardly refrain from more grievous Resentments. It was Guard and Caution to my utmost Power, that kept me from rebuking with more plainness and severity. And to confess another Truth; when I was first drawing

ing up my Sense on that Subject, I let fall many rougher Expressions, which upon review I took care to expunge ; that I might give as little Offence as possible : And I did hope, I had let nothing pass, that could betray a want of Decency and Christian Charity.

However, I kept purely to the Author of that Book, and accounted with him on that Subject only. And if upon discovery of destructive Principles, and Authorities false or misapplied, I did sometimes leave the *Matter*, and complain of the *Man* ; this Liberty has been thought just and necessary to every Controversial Writer. If I had acted indeed by late Example, and thrown my Reflexions round upon the Dead and Living, upon my Equals and Betters ; I could not have answer'd for such a Freedom, and therefore I refrain'd from it. As I remember, I have censur'd no Writer, but *those* who gave immediate occasion to this Dispute. I was oblig'd to lay open the Author of a *Letter to a Convocation-Man*, but then I could mean no harm to a Person, whom I do not yet know. And it was as proper for me to take notice of the Author of *Municipium Ecclesiasticum*, whom, you say, seem to treat with some Disrespect : I had indeed an odd Notion of Him ; Yet I did him Justice and no Dishonour in saying, That he was consistent with his Principles, and so far blunt and fair ; for what he believ'd he did honestly assert, &c. p. 23, 24. But after my due notice of these Writers, I confin'd my self purely to Mr. A. and his Rights, Powers, and Privileges

privileges of an English Convocation : Where, if my Reflexions had been as bitter as that Writer's Pattern of 'em : Yet I think there had been this apparent difference between us ; I dealt with an *Equal* , where Liberties are more decent upon the square and level : But he fell in upon his *Superiors* in Dignity and Order, where all the Rules of Civility and Religion commanded a Reverence and a becoming Distance.

To conclude this Objection : I am very conscious that Rudeness and Railing are such an *Evil*, that all Christian Writers, and especially Divines, should abstain from the *Appearance* of it ; and therefore , if I proceed to examine the Remainder of that Book, I promise to keep directly and purely to the Subject of it ; and not meddle with the Author, but as he speaks in his own Words. But I desire to be prevented ; or at least to reserve the further distinctions of Truth and Falshood, till I hear what *Reply* can be given to the elaborate Work of Dr. *Wake* on this Subject, which is now in the Press, and (if Prejudices be remov'd) I believe will satisfy all that can read and think of these Matters.

II. You represent it as another Objection, that I have press'd too hard upon the mistakes of the Author, and have dwelt upon his small and trivial Errors, which seems to be the same censorious Humour , that I condemn'd in Him, and contrary to my own Rule, p. 39. *that good Substantial Authors despise the notice of little in-*
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considerable Errors, and correct such only as look big, and stand directly in their way. Let the World judge, whether the mistakes I have so far corrected in Mr. *A.* be such Trifles and insignificant Lapses, as their Author wishes them to be. Do but run over the several Errors of his first Chapter briefly recounted, p. 175. and judge, which of them is of no moment, or which of 'em could have been pass'd by, as not affecting *Peace* or *Truth*. This Charge of being a vexatious and impertinent Critick on him, can be only justified by one or both of these Articles. 1. That I have condemn'd many of his Opinions or Expressions for Erroneous, that are notwithstanding Right and True. Or at least, 2dly. That I have so narrowly pry'd into all his little Oversights, as not to have left a single Fault uncensur'd. As to the *First*: I do not yet find my self mistaken, and will really beg pardon, as soon as I am convinc'd of doing him any injury. As to the *Second*, I was not so minute a Critick, as to catch at all the Trips and Nods (as he is pleas'd to phrase 'em) tho' I took but one Chapter and a half under Examination, and so had room to be *Particular*; Yet truly I pass'd over many Escapes of that Author, that I might not delight in exposing of 'em. If in my own defence I must prove this; Pray turn to the very *Preface*, where I touch'd upon none of these considerable Errors. *Pref. 1st Ed.* p. iii. *Nor is it to be forgotten, that since this new Doctrine came abroad, a new definition of Convocations has obtain'd, which we are now told, are only Occasional Assemblies for such purposes, as the King shall direct.* Nicholson. Hist. Lib. Vol. III. P. 200.

Bishop Still-
ingfleet's
Discourse
delivered
Octob. 29.
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Dr. W's
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lish'd in
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In which Words I could have remark'd Three or Four ways of very disingenuous dealing. For, 1. The *New definition*, as he calls it, was not *SINCE* but *BEFORE* that *new Doctrine* (as he means it) *came abroad*. Nor 2dly. Are we *NOW* told so by Mr. *Nicholson* from whom he cites the definition; but we were *FORMERLY* so told by Bishop *Stillingsfleet*, in his *Visitation Charge* publish'd in his *Rights of the Parochial Clergy*, &c. p. 365. from whom Mr. *Nicholson* did justly quote it. And yet, 3dly. The definition does neither run so, nor break off so, as Mr. *A.* reports it. They are *Occasional Assemblies* in several respects, but not *ONLY* such in all respects. Nor are they meerly for *such Purposes as the King shall direct*; as Mr. *A.* would ridicule them by breaking off in the middle of a Sentence; but for *such Purposes as the King shall direct, when they meet*.

Mr. Archdeacon *Nicholson* had so recited the Definition. *English Convocations; allow their just Definition to be Occasional Assemblies [of the Bishops and Inferior Clergy] for such Purposes, as the King shall direct when they meet.*

Pref. p. viii. The Issue of which Complaint was (*i. e.* of the Complaint of the Commons to the Lords about Dr. *Cowel's Interpreter*) that the Author, for these his *Outlandish Politicks*, was taken into Custody, and his Book condemn'd to the *Flames*: Nor could the Dedication of it to his then *Grace of Canterbury* save it; who did not think himself concern'd to countenance whatever *Doctrine* any indiscreet Writer should take the liberty to ascribe to Him.

We know very well, the witty Application of this Story was to recommend the Commitment of Dr. Wake, and the Burning of his Book; and that the Book might not be *fav'd*, nor the Author *countenanc'd*, for the Dedication to his Grace of *Canterbury*. Mr. A. has given this Sentence, and in his manner call'd for Execution of it, in several Parts of his Answer. But what if the Fact here, which he applies to such an angry design, be in it self really false? I believe it *false*. I have seen some Copies of the Journals of Both Houses in that Parliament 7 Jacobi, and cannot find by them, either that the Author was taken into Custody, or that the Book was condemn'd to the Flames. The Debates on this Matter began in the House of Commons on Friday Feb. 23. 1609. when Mr. Hoskins insisted on several exceptionable Passages, in *verbis*. 1. *Parliament*. 2. *King*. 3. *Subsidy*. 4. *Tith*. The Matter was thereupon referr'd to a Committee, who on Saturday Feb. 24. Reported, That they had examined certain Heads, *rashly, dangerously, and perniciously asserted, &c.* and gave a farther Instance in *verbo*. 5. *Proctors of the Clergy*. To which Mr. Attorney added two other Instances in *verbis*, 6. *Prerogative*. 7. *Prohibition*. On Tuesday Feb. 27. the Commons desired a Conference with the Lords upon this Matter; of which the Issue is thus entred in the Journal of the Upper House. *Die Martis Feb. 27. 1609. Complaint made by the Commons of a Book of Dr. Cowel's — the Conference appointed Friday next. — Sabati 3 Martii 1609. Report of the Conference. The main Exceptions taken by the Lower House were against Four Places in the said Book.* 1. On the

the Word *Subsidy*. 2. On the Word *King*. 3. On the Word *Parliament*. 4. On the Word *Prerogative*. Upon which places, the said Dr. Cowel had so unadvisedly enlarged himself, (as the House of Commons apprehended) that the same was very offensive and dangerous. Die Jovis 8. Martii 1609. The Lord-Treasurer signified to the House, That his Majesty had taken notice of the matter, and perused the Places in Dr. Cowel's Book, whereunto Exceptions were taken; and had called the said Cowel before Him, and heard his Answer thereunto. And having thereupon duly considered the Errors committed by the Party on that behalf, was graciously pleased to deliver his Judgment and Resolution to the Lords (to be by them imparted unto the Committees of the House of Commons) touching the said Matter; which the said Treasurer particularly delivered to their Lordships; and was by them appointed to report the same accordingly to the Committee. After which, the King came to the House of Lords on March 20. and made a Speech to them on that occasion; and issued out a Proclamation for Suppressing the said Book on 25 March, 8th year of his Reign. Which Proclamation, at large may be seen in the printed Collection of Proclamations of King James, and in the Preface to the last Edition of Cowel's *Interpreter*, 1700. In all these Transactions of King and Parliament, there is nothing about taking the Author into Custody, nor any Order for his Book to be Burn'd. And therefore if Mr. A. had it from any *Secret History*, He must first produce it, and then prove it no Invention of Credulity or Malice.

These,

These, I think, are two apparent Errors, which I favourably omitted in my late Examination. There be in the same Preface some other *Reflexions*, which I could have shewn to have been very precarious and deceiving, in the *Cause*, or in the *Event* of them. As p. xxi. *And at the same time that they would have others thought unwilling to serve the Crown, take care effectually to disable themselves from serving it, by forfeiting all the Credit and Interest they have among their Brethren.* Mr. A. has some more of these *Turns*, to make us believe, That *Popularity* is all on *his* side, and that the *Other* is but odious and contemptible in the Eyes of the People. This Argument had no influence on the Asserters of Monarchy and Episcopacy, before abolishing *this*, and extirpating *that* in the late Times of Confusion. They judg'd then of their Cause by its own *Merit*, not by the number of those who espous'd it. Yet I do not think the Popular Affections are now so *inclining*, as he imagines. 'Tis true, Opposition to Governors is often an Art of Pleasing : But possibly there is some *Credit* and *Interest* that lies the other way ; The Men that from a Principle of Obedience and Peace are for preserving the legal Constitution of the Church, have not (as he would have it) *disabled themselves from serving the Crown.*

Pref. p. xix. *It seems to Him, (i. e. to the Author Mr. A.) that he pleads for his Majesty's Honour, and my Lord Archbishop's Interest more effectually than they can pretend to, who differ from Him. It is certainly for the Honour of the Crown, to be attended always with the Great Council Spiritual of the Realm, as well as Temporal ; and my*

Address
March 10.
1700.

Lord's Grace of Canterbury is never so considerable, as when He is at the Head of the Clergy of his Province. I acknowledge, It would be for his Majesty's Honour, that the Two Houses of Convocation should give His Majesty all possible Assurance of their stedfast Fidelity and Affection to his sacred Person and Government, and always testify it by maintaining his Supremacy, as establish'd by the Laws of this Realm, and the Articles and Canons of their Church. And it would be my Lord Archbishop's Interest, that he should not depart from the Rights of his See, the Dignity of his Suffragans, and so from the very Nature of a Provincial Synod. But whither this Honour or Interest has been owing to that Author's Pleading, I submit—As also, whither his Principles and the Pursuance of them will make his Grace so considerable, at the Head of the Clergy of his Province.

Pref. p. xv. *Must we believe that the Friends of Convocations have been represented under the same Colours to His Majesty, that they are to the Reader? As Enemies to his Government, Hot, Immoral, considerable neither for their Merit, Interest, nor Number? If so indeed, we have here an easy Account of the distinguishing Steps that have of late years been taken. It is no very fair Account, (how easy soever for some Men to give it,) to charge the Government with such distinguishing Steps of late: The distinction in its worst sense was more kept up in former Reigns. But all Governments are wise enough a little to distinguish those, who in Judgment and Affection are for the Governor's Legal Interest and Honour. But where has been the great Partiality? Is there any one side that has been alone countenanc'd*

tenanc'd and dignified, while the other have been All rejected or forgot? Can our Author himself complain of such a losing side? It can be no offence to say, That He needed not to have condemn'd others as Writing for Preferment, nor to magnify himself for asserting a Cause of no Prospect in this World. Pref. p. xxiii. *Much less can I be suspected to have engag'd in this design, out of Interest. The way to that is not by appearing in behalf of Councils, which (as Johannes Major well observ'd) meet but seldom, and have no Dignities to dispose of. If Joh. Major did so observe, it may be as well observ'd, that a turbulent Man prepar'd a way to the Popedom, by adhering to a Council against the Pope: He got himself at the Head of a Committee in that Council for the Collation of Ecclesiastical Benefices; He boasted of his perseverance in the cause of Poverty and Disgrace, till the Cunning Man crept into several Dignities, and at last into the Papal Chair; where He retracted all his old Popular Notions in a solemn Bull; and as Men for want of Moderation use to do, He was as violent for the Rights of the Papacy, as He had been for those of the Council.*

*Æneas Syl-
vius P.
Pius II.
Concil.
Basil.
1431.*

1458.

But Mr. *A.* could not be *suspected*. No, it is neither from these nor any such low Inducements as these, that I have entred on this Work, &c. He need not have said *this*, and more of *this* kind, because he did not know how he might be tempted. Great Spirits have been forc'd often to *refuse* a thing, because they once hapned to say, they would *not take it*. But indeed in such Cases, Prudence has often dispens'd with a rash

word. However, Mr. *A.* should not have so lessen'd the Conscience and Honour of All, who have been or shall be in the *other way* of Writing. He should not represent them as Flatterers of a Government, and Seekers of Preferment from it ; as *Designing Writers, as invited by a secret Motive, and as hoping to find their private Account, &c.* Pref. p. xvi. xxv. xi. &c. This hath been the common Misfortune of Men, who have defended a Standing Church and State. They have been reproach'd with Self-Interest and Sinister Designs ; tho' they have had nothing but their own Conscience to Reward them.

Mr.
Strype's
Life of Bi-
shop Ayl-
mer. p. 20.
Eccles. Sy-
nods, &c.
P. 178.

This was the Fate of the Learned Dr. *Whitgift*, who in a Letter from one *Norton* a Minister wrote *Anno 1572.* was advised, "To forbear answering *Cartwright* the *Puritan's Book*, "that Protestants might not give an Entertainment to the Enemies of Religion by falling into Controversies among themselves ; and as tho' *Whitgift's* secret intention was to stand the fairer for Preferment, and was then threatened with disappointment of his hopes by the Example of Mr. *Aylmer* : For says the Writer, Mr. *Aylmer's* unseasonable Paradox to Truth hath hurt the Church, and yet not advanced his Preferment so much as he hoped ; for it seems Mr. *Aylmer* had defended Queen *Elizabeth* and her Supremacy, against the furious Writings of Mr. *Knox*, and was for that Service accused, that *he had in that Book too much advanced the Power and Authority of Princes, which Knox had so lessen'd and disparag'd.*

But this invidious Suggestion did not dishearten that stout and honest Writer :

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For, it seems, Whitgift in his *Answer to Norton's Letter*, gave a better Interpretation of Himself and Aylmer, and their Intentions in what they wrote, saying, "That Mr. Aylmer's Doctrine was neither unseasonable, nor yet a Paradox, but a common true received Opinion, grounded on the express Words of the Scripture, and received without doubt of all Learned Writers both Old and New, and in most seasonable time taught; Mens Minds and Hearts being so far from due Obedience, and so inclinable to the contrary: And I am fully satisfied (added He) concerning our Divine, that he had all the Advancement he looked for. And that it was great lack of Charity to judge Men to do that for Advancement, which they did of Conscience and Duty.

This ill-natur'd Objection of Avarice and Ambition was a Calumny, it seems, thrown upon our greatest Divines, whenever they appear'd in defence of the *Royal Supremacy*, and the *Church establish'd*, on the Obedient Principles of the *Reformation*. But then, our conformable Clergy never cast the Odium upon One Another: It was a Civility of their profess'd Enemies; *Those* of purer Discipline, *those* for a Classical Synod, and for Presbyters independent on Archbishops and Bishops. And therefore the Judicious Mr. *Hooker*, when he came to treat of the Laws of Ecclesiastical Policy, He foresaw the disadvantage He must labour under: He was sensible, that his very *Subject* would expose him to the Jealousies and Aspersions of some sort of People. Hence he begins, you know, his very first Book in this humble and modest Apology. *He that goeth about to*
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persuade a multitude, that they are not so well govern'd as they ought to be, shall never want attentive and favourable Hearers, because they know the manifold defects, whereunto every kind of Regiment is subject; but the secret lets and difficulties, which in publick Proceedings are innumerable and inevitable, they have not ordinarily the judgment to consider. And because such as openly reprove supposed disorders of State are taken for principal Friends to the common Benefit of All, and for Men that carry singular freedom of Mind; under this fair and plausible colour whatsoever they utter passeth for good and current, that which wanteth in the weight of their Speech, is supplied by the aptness of Mens Minds to accept and believe it: Whereas on the other side, if we maintain things that are ESTABLISHED, we have not only to strive with a number of heavy Prejudices deeply rooted in the Hearts of Men, who think that herein we SERVE the TIME, and speak in favour of the present State, because thereby we either HOLD or SEEK Preferment. But this Author was too Wise and Good to value an Ill Report from unreasonable Men; He went on and did his Duty, with Appeal to his own Conscience, and Submission to the Providence of God.

But to return; I was Answering, Sir, the Objection You Reported, of my dwelling long on the little trivial Errors of Mr. A's Book; to pick faults, and magnify the appearance of them. Whereas in Truth, I was so far from Exhausting the Subject of his Mistakes, that I left a very great Many untouch'd, without reproof, without mention of them. I have given some Examples in his Preface: So again in
his

his *First Chapter*, I could point you to a variety of Particulars. I think myself to have already prov'd, that in Sixteen of his principal Notions advanc'd in that Chapter, not only his *Authorities and Citations are wrested and misapplied*, but the *Positions and Principles are all precarious and wrong*: Nor barely wrong, but highly injurious to the fundamental Rights and Liberties of the Christian Church, and this Member of it the Church of England. Besides the many concluding Reflexions he made upon his Scheme of that Chapter, which I shew'd to be all disingenuous, and an open Affront to our *Constitution*, and the *Governors* of it; yet there be Gleanings of many palpable Mistakes in that one Chapter, which upon a review would prove, that I had not before rak'd them All together.

For Instance, p. 5. He gives an ill Description of the Form of Ancient Synods, *the Bishops in a semicircle) formost, and the Presbyters behind them, before whom the Deacons and the People stood*. As if the Deacons and the People stood before the Presbyters, when they more directly stood before the Bishops.

Ib. Margin. He cites S. Cyprian's First Epistle, to prove, that Presbyters were Co-assessors with the Bishops, which they might be in *Dioecesan Synods* of each Bishop and his Clergy, yet not in *Provincial Assemblies* of several Bishops, to which he here alone applies it. For the *Collega mei qui presentes aderant*, &c. is not to be understood of the Presbyters in any Provincial Synod, as two of our Learned Bishops have prov'd against the Popish Writers. He might have observ'd more properly, that the design of the Third Epistle of S. Cyprian, was to re-
buke

Bp. Fell.

Bp. Pear-

son.

buke the Insolence of a *Deacon*, and to shew that the contempt of Bishops was the beginning of all Heresies and Schisms, *Hæc sunt enim initia Hereticorum, & ortus atque conatus Schismaticorum male cogitantium, ut sibi placeant, & Propositum superbo tumore contemnant.* There is another admirable Epistle, num. xliii. contra quorundam Presbyterorum malignitatem & perfidiam — qui conjurationis suæ memores — fomentum quibusdam — & hortamenta tribuebant, ne concordarent cum Episcopo suo.

Ib. p. 5. He says, *The settled Rule of the Primitive Church* (in holding Synods) *was kept up here in England, when it had declin'd almost every where else; as the Constitutions of Egbert Archbishop of York, made in the middle of the Eighth Century declare; when alas these were no Constitutions of Egbert, but Excerptions only: Not Canons now made by him for the English Church, but a Collection of Canons formerly made for Primitive and Foreign Churches.* So as the Form of Discipline here recited are by no means an Argument of what was then kept up here in England.

P. 6. Margin. See the Emperor's Letter to S. Cyril, Conc. Ephes. Part I. i. c. for a Proof that, even the Bishops who were present in General Councils, were deputed thither by Provincial Synods. Whereas the Instructions of that Letter are, for Cyril to bring with him some few Bishops of his Province, not such as a Synod should depute, but such as he himself should think fit. So again he refers to the Epistle of Capreolus Bishop of Carthage, excusing himself for sending no Bishops, because the War which had broke out into those Parts, hindred him from calling

ing a Provincial Synod, from whence they were to be deputed. When after all, Capreolus was not hindered from calling a Provincial Synod, but at least a National Council *ex omnibus Provinciis Africa*, to which 'tis plain no Presbyters were call'd, but the Bishops alone, who agreed among themselves, which of them could best attend upon the General Council. So that his Doctrine of deputing Bishops by Provincial Synods, and bringing along with them the Resolution and Consent of the several Churches from which they came: And the Presbyters therefore having Voices in these Lesser Synods, their Consent was also in the Definitions of the Greater presum'd and included: This is all Fancy and design'd Invention.

Among his References to Councils, Canons, and Roman Laws, p. 6, 7. there be some other evident Mistakes either in the Figures, or the Inference he draws from such and such Places.

P. 8. *Innocent III. in his Rescript to the Archbishop of Sens, directs that the Proctors of Cathedral Chapters should be summon'd to these Provincial Synods.* I think it is not *summon'd* but *invited* only, which distinguishes the *Courtesie* from the *Right*; nor to be admitted for common Consult and universal Suffrage; but to treat of such Things especially as concern'd their Chapters. He puts some Latin into the Margin, which does not agree with the English in his Text: Nor do I know where to find any such Latin Sentence.

P. 8, 9. *In a Spanish Council at Taragone, An. 517.) we find it particularly provided, that the Bishops should bring along with them to these Synods, Presbyters from their Cathedral Churches, and from the other Churches of their Dioceses.*

This

Rights, &c.
p. 13.

This is by no means fairly cited, because the Bishops were to bring with them on that occasion not only *Presbyters*, but *Lay-Men*, or some of the *Secular Sons of the Church*. And indeed his Arguments to prove inferiour *Presbyters* to have been a constituent and authoritative part of *Provincial Synods*, prove nothing, or prove too much, that both Deacons and even Lay-Men had the same Synodical Rights. For these were sometimes call'd, and more often admitted: But as Petitioners, Complainants, Witnesses, and such like Ministerial *Attendants*; not as *Voters* and *Judges*. I presume Mr. A. himself means this, when he confesses, that to a Synod of *Cloveshoe* in 803. besides Bishops, Abbots, and Presbyters, *Some few of a Lower Order were admitted also to those Synodical Debates, according to the moderate and gentle Form of Church-Polity which obtain'd in those Times.*

P. II. *And tho' the chief Business of the Proctors of Chapters and Dioceses, was to Petition for the Redress of Grievances, under which they chiefly groan'd: Yet that they came from the very beginning with larger Powers, appears from the Constitution of Reading lately cited, and from the ancient Forms of the Archbishop's Summonitory Letters, which ran, Ad tractandum una Nobiscum, exactly as that Constitution prescribes: An Instance of which I have seen in an old Register as high as 18 E. 1. that is, eleven years after the Council of Reading was held. Note, I made no Animadversion on this Paragraph, tho' it be so very faulty. The chief Business of Proctors could never be to Petition for the Redress of Grievances; this was not the Cause but the Con-*

sequence

sequence of their coming: Their chief Business for which they were call'd, was to give Mony; and *Petitions* of Right and Ease were a proper, yet a contingent part of that Business. That they *came from the beginning with larger Powers*, does not appear from the Constitution of *Reading*, because no such Constitution was made at *Reading*: Nor does it appear from that Constitution at the end of *Lyndwood*, p. 25. b. *Item precipimus ut in proxima Congregatione, &c.* because the Powers there meant are not a spiritual Power of Ordaining Canons, but a civil Power of giving Mony. Nor can it be inferr'd from the *antient Forms of the Archbishop's Summonitory Letters, which ran, Ad tractandum una Nobiscum*: For this Clause was never in the Archbishop's Summonitory Letters, till the Lower Clergy were to be conven'd for the Occasions of Taxing. Nor did the Phrase then signify any larger Synodical Powers; for even the *Archdeacon* as well as the *Archbishop*, could use the Words in the same Sense, when he call'd a Rural Chapter of the Clergy to agree to the Demands of Contribution: And that as high as his own Instance of 18 E. 1. when the *Archdeacon of Cant.* by Letters dated 2 Non. Aug. 1290. wrote to the Rural Deans to cite all Abbots, Priors, Chapters, Conventual Churches and Monasteries, as also All and singular Rectors and Vicars in their respective Deaneries——*Comparere coram Nobis in Ecclesia Christi Cant. in crastino Nativ. B. Mariae Virg. super Articulis in Mandatis Domini Archiepiscopi contentis NOBISCUM, (i. e. Archidiacono) TRACTATURI.* Which Phrase, I say, was not meant by the AB. to give the Inferior

*Reg. Eccl.
Cant. no-
tat. H.
f. 27. b.*

rior Clergy any Spiritual Authority of debating and decreeing in Provincial Synods; but it was meant of their temporal Power to dispose of their own Property. And therefore the same Words of Citation could be used by an Inferior Ordinary in Summoning a less Convention of the Clergy, if it was to the same purpose of *treating* about the Ways and Means of Taxing themselves.

To instance a little further, in that Part of the *Second Chapter* which I before examin'd, I pass'd by many Errors, to shew, that I was far from a needless Severity, and from a love of Trifling.

He begins wrong, *Thus does our Right to these Assemblies stand by the Law Ecclesiastical*. When indeed that *Right by the Law Ecclesiastical* does not *now stand*: It fell upon the Act of Submission; and without the King's Writ, there is no Law of our Church to convene a Synod. He himself is forc'd to drop the *Ecclesiastical Law*, and to resolve the Right into our *Civil Laws*, the *Law of the Land*, which not only allows but commands such *Assemblies*, *ib. p. 28*. But neither do I know of any such *commanding Law*. Sure, there is no one older or later Statute, that limits or restrains the King's Prerogative in calling National or Provincial Synods.

P. 30. *This General Convocation of the Spirituality and Laity, was after by Pepin's Son Charles the Great, appointed to meet the First of May. When yet this Appointment was made by Pepin himself, not by his Son Charles, as De Marca owns in the Chapter, which Mr. A. had just before cited.*

De Concord. l. 6. c. 24.

ib.

Ib. p. 30. He gives a Relation out of *Hincmar*, of the Constitution of Spiritual Assemblies in *Germany*, by mutilating the Words, and Violating the Sense of that Author.

P. 32. He gravely refers to a Charter of King *Ina*, passed *consentientibus omnibus Britanniae Regibus*, &c. *Monast. Vol. I. P. 14, 15.* when in that Charter there be as many Signatures of a latter Invention, as can well be in any one piece of Forgery. So again, he appeals to a Passage in one of *Ingulphus's* Charters as very observable, *Fidelium infinita multitudo, qui omnes Regium Chirographum laudaverunt, Dignitates vero sua nomina subscripserunt.* *Ingulf. p. 17.* when, not to reject all the Charters of *Ingulph*, before the time of King *Edgar*, as spurious : It is certain, the Two Copies of that Charter in *Ingulph*, and *Malmsbury* are so differing, that they both seem Translations from the *Saxon*, and therefore no such Argument to be strictly drawn from the Latin words : Yet take the Latin to be the Original, there is no reason for him to make it bear relation both to the Lower Clergy and Laity ; For the *Fideles* might be only the Liege People : And the *Dignitates* are before-mention'd, to be *Archiepiscopi, Episcopi, Reges, Abbates, Abbatissa, Duces, Comites, Procere* &c. *totius Regni.* No lower Dignified Clergy.

*Defence of
Plural.
P. 104.*

P. 37. In the Sixth of King John, when the King had a mind to have all the Abbots and Priors present in Parliament, he was forced to cite them by the several Bishops of the Dioceses, and not by an immediate Summons. I cannot believe the King had a mind to have them All there, but such a Few in comparison as were his chief Tenants. And yet Mr. A. extends the Call much

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fur-

further, p. 218. *All the Conventual Abbots and Priors of the Diocese; that is, it may be, All those of the Clergy below Bishops, who might in this Instance be summon'd to Parliament. Not except Abbates & Priores can be rendred, All Priests and Deacons. A late learned Author has observ'd, That the Words are too plain and express to admit of that Construction.—Most certainly not: Tho' Historians sometimes mention only the Chief: Yet Writs of Summons are always exact, and can be understood no otherwise than according to the Letter.*

Dr. Hody
of Convo-
tions, p.
267.

Selden.
Tit. Hon.
B. 2. Ch. 5.
Sect. 20.

Eccles.
Syn.p.260.

Nor indeed was their want of *immediate* Summons any Force upon the King, as he is pleas'd to make it: But it might be his Royal Will and Pleasure. It was so at least with Hen. II. when he dropp'd the *immediate* Summons to Archbishop Becket, and only commanded the Sheriff of Kent to cite Him.

P. 37. And in 49 H. 3. when every Abbot had his distinct Writ, they are said to have been *voluntarie* Summoniti, i. e. by their own consent; not as of Right, or as owing the Crown any such Service. If this saying of Mr. A. were true, it would be a great Argument against him, as I have before intimated. But indeed when they had those distinct Writs in 49 H. 3. they were not then said to be *voluntarie* Summoniti. This Expression is indeed applied in a Reference to that Parliament, in a Writ near a hundred Years after, 26 E. 3. nor has it there the Sense that Mr. A. imputes to it.

P. 38. And sometimes I find, that both the Regal and Legantine Authority joyned in convening them, i. e. Legatine Synods. And for this he bids us compare M. Par. p. 915. with the An-
nals

nals of *Burton*. p. 355. But when we have compar'd them, and all other Writers, we cannot find at this time a Legatine Council so conven'd by joint Authority of King and Legate. It is true, the Legate often promoted the King's Interest in those Synods, and was therefore the more allow'd and countenanc'd in holding of them. But as to the convening Power, it was by the Legate, in Commission from the Pope : Nor should he have referr'd us to those Two Authors, when they talk of Two different Things : One of a Synod conven'd by *Rustandus* : The Other of a Parliament conven'd by the King at different Times and Places.

*Parl. 15
days after
Easter.
Synod. 15
days after
Mich.*

P. 39. *The Numbers of the Lower Clergy cited by the Archbishop to his Parliamentary Convocations, had born some proportion all along to those of the Lower Laity called at the same time to Parliaments.* The First Parliamentary Conventions of the Clergy are not to be call'd the *Archbishop's*, but the *King's* : The AB. had no more to do with the *Pramunientes* than any other Suffragan Bishop : He obey'd the King in his own Diocese, without any concern for the rest of the Province.—*And the Pramunitory Summons therefore when first practised by this King, still carried on the Parallel : As if the Archbishop had cited the Clergy to Parliament, before the King did it, as he elsewhere asserts, with no Shadow of Truth.*

1255.

Ib. Margin. *A Mandate of Peckham in 1290. (See his Register) cited out of every Diocese duos vel tres Procuratores, when the Commons Writ of the same Year ran, duos vel tres de discretioribus Militibus.* But if you cannot see *Peckham's Register*, pray see the late *History of*

Convocations, Part 3. p. 145. *The Learned Author of the Rights of Convocations*, from a certain Collection out of Peckham's Register, which he made use of, mentions a Convocation. An. 1290. — If there be any such thing in that Register, I have (I know not how) overlook'd it, tho' I have very diligently turned over that ancient and very valuable Volume no less than Three several times, that so nothing relating to this Argument might escape Me : And once I have look'd it over on purpose to find out that place, but was not so lucky as to light upon it.

These I hope are Instances enough, that I did not so unmercifully press upon that Writer : I corrected very many of his Faults, but I left, it seems, very many uncorrected. I have glean'd somewhat, and Others will pick up more. Those who wish things true, may long believe them so : But the time will come, when Men who look at all into Histories and Records, must honestly confess, that no one Book (of late Years) has been wrote for any Cause, so very full of Mistakes, as *That* entitled, *The Rights, Powers, and Privileges of an English Convocation*.

Ep. Ded. III. You tell me of another Objection, that I did not so much expect, and do not value the Force of it. It is, that I have offered my Book with the more becoming Assurance, because the Reports and Authorities in it, are not the Fruits of other Mens Collections, but the immediate effect of my own searches into Registers and Records. I don't know, why this should give Offence: That Mr. A's First Edition was the putting other Mens Materials together, may be his Excuse as it was his Necessity. That I took not the same way,

is evident not only to my *Friends*, but I hope to All *Readers*. That I have my self search'd into the principal Registers and Records, is no way of Boasting. That in all the material Points, I have not relied upon any Authorities but *Original*, will upon comparing best appear. And where I trusted to Others *Collections*, it was to Men of Fidelity and Experience; and I was ready to *own* the Civility, and my Obligations for it; as p. 275. I was very cautious of citing any Manuscript, without consulting of it: And therefore I did not charge Mr. *A.* with a false and absurd Qotation from the Author of *Eulogium*, because I did not pretend to have look'd into it. If I had so, it seems I should have found Mr. *A.*'s way of Reading incredibly perverse, 4711. Knights Fees in Parochial Churches, when it was meant of so many Parochial Churches in *England*. See the Author of *A History of Convocations*, who thought himself obliged to take notice of this very considerable *Mistake*.

Rights, &c.
p. 296.

Hist. of
Convocat.
P. 134.

Mr. *A.* may perhaps plead, that he relied on the Authority of Mr. *Selden*: Mr. *Selden* did give him these words with a different Number, but not this Sense of them: He understood it of Churches, not of Knights Fees in them.

IV. But it must be another Objection, it seems, that I have wrote in a positive, asserting way, and have not cited sufficient Authorities to support my new stating of the Case. I did indeed avoid industriously the Pomp of Citations: I could not endure to swell the Margin with *References*, nor to multiply *Instances* in any matter clear enough without them. Because it was too easy to do so; and because I doubt-

Pref. to
2d Ed. p.
xxxv.

Pref. p.
xxxvi.

ed some One or other would have upbraided Me with the vanity of it. I remembred how Mr. *A.* had been somewhat rude in calling his Adversary a *Second-hand Writer*, in charging him with a *Series of long, flat, impertinent Accounts*, and deriding him for the *everlasting Magazine, his Common Place-Book*. And to lay in a Jest upon Dr. *Wake's* more Elaborate way of treating on this Subject, he would not have him spare his learned Collections, or hide any Part of that precious Treasure, which his Friends have dug out of the *Mines of Church Registers* for Him. Nay, and to make any other Writer as Modest upon this Argument, He does before-hand warn the Reader, not to be dazzled with any future Performance of this kind, that shall endeavour to recommend it self by a seeming Shew of Great Reading, and of a deep Insight into Records and Registers: For where there are so many Hands at Command, this Knowledge is easy to be come at. When Mr. *A.* had so expressly forbid the use of these Weapons, it had been scarce fair to have drawn out too many of them. And when he took such a liberty of scoffing at *Authorities*, both after and before they were produc'd; it was a proper Caution in Me to be the more sparing of References and Quotations, for fear I should have been dreadfully rebuk'd for the Tedioufness or for the Ostentation of 'em. Yet for all that, I have neither amended his Mistakes, nor advanc'd any different Sentiments, without express, and (I hope) pertinent Authorities for so doing: Such *Authorities* at least, as have, I dare say, in *Weight*, whatever they may seem to want in *Number*: However, I can readily produce more Evidence, as there shall

shall be Occasion for it ; and some such *occasion* may quickly offer. I ought in the mean time to acknowledge a numeral Mistake of the Press in referring to *Peckham's Register. Eccles. Synods, &c.* p. 134. the Quotation is put fol. 45. for 59. and again p. 157. fol. 8. for 83.

V. You are pleas'd to tell Me farther, It is an Objection in some Mouths, that *I seem to flatter the Bishop of Sarum, and make a particular Court to Him* : If to vindicate a Prelate of the Church from the rudest Reflexions ; and even to justify our *Reformation*, by defending his Lordship's *History of It* from those Exceptions that were indeed *Calumnies*, and could be grateful to None but to the common Enemy : If this be to court and flatter ; why then I meant however nothing but Sincerity and Truth. I know myself incapable of some sort of Ceremonies ; and I have that Opinion of his Lordships Experience in the World, as to think He would not value any Man the more for his Officious Addresses to Him. I am sensible that considering my Relation to his Lordship as my *Diocesan*, my fault has rather been on the ruder side : I have not paid those Attendants, nor ask'd those *Advices*, to which by Duty and Decency I was more oblig'd. And sure I am, I never put his Lordship upon obtaining any favour for Me by his Interest in the Governors of Church or State. I had neither Merit nor Face to create his Lordship such a trouble. But if without seeking, I had heard of his Lordship's *endeavours to serve Me*, I would really have made it a tender Part of Conscience, to have been respectful to his Lordship's Character and Person. Nor should his

Lordship have reason to reprove Me, as I presume he has justly done Another; when making some proper *Reflexions* on a Book (which the Writer has since own'd) He speaks thus of the *reputed* Author; *The Scorn with which he treats my self, and the Malice that he pours out upon me in such a copious manner, are things that I can very easily bear. I have been long accusom'd to them, chiefly from some Men of one sort. If Fame fixes this Book to the true Author, I had no reason to look for such treatment from him; unless the unsuccessfulness of my Attempts to serve Him, though managed by Me with much care and zeal, oftner than once, do pass with him for so great an Injury, that upon it he thinks every thing may be justified, that he can write against Me, &c.* It is possible for some Men to forget an Obligation, and by degrees to deny it, and even to persist in the denial, when their Memory shall be admonish'd, and their Conscience call'd upon by Witnesses Alive and present. Let Mr. A. Answer one Remembrancer, if he tells a severe Truth. The Author of *The Principles of Mr. Atterbury's Book considered*. Pref. p. xviii.

“ He can't but remember that he formerly made his Applications more than once to that Bishop. I mention this the more freely, because my Lord of S. has spoke of it often, and publickly enough. One of his Requests was, That his Lordship would use his Interest to promote him into the Family of a Noble Lord: The present Bishop of *Chichester* is a Witness to this. The Bishop of S. used his Endeavours in his behalf, but that Lord was unfortunately pre-engaged,

Bishop of
Sarum's
Reflect.
p. 2.

“ged, or else ’tis not improbable that Mr. *A.*
 “might have been happily Advanced, accord-
 “ing to his Desire in an Honourable Family.

“I shall omit the Requests Mr. *A.* made to
 “the Bishop, while her late *Blessed Majesty*
 “and *Archbishop Tillotson* were Living, and
 “how much he was prevailed with to re-
 “commend him to their Care. I am not sa-
 “tisfied but Mr. *A.* will find Evasions to de-
 “ny all this, now those Evidences against him
 “are in Heaven; but his present *Grace* of
 “*Canterbury* is a living Evidence of the Ser-
 “vice the Bishop endeavour’d to do him, up-
 “on his sending for him out of the *House of*
 “*Lords* to desire his Favour, and that he
 “would use his Interest with his *Grace* for
 “him, and how hearty and sincere he was at
 “that very Instant in his Behalf. One of the
 “Prebends Mr. *A.* had then fix’d his Eye up-
 “on, would probably have detain’d him from
 “searching Records: And a Dignity in the
 “Church of *Westminster* would, in all likeli-
 “hood, have prevented his crossing the Water
 “to the *Registers* at *Lambeth*.

“But these are ungrateful Truths; and they
 “had not been made publick, had not Mr. *A.*
 “given it out, that he had never ask’d any
 “Favours of the Bishop of *S.* and had he not
 “spoke so slightly and contemptibly in his
 “*Book*, of the *Obligations* his *Lordship* had laid
 “upon him.

I am not concern’d for any Personal Prejudices,
 but for pure Charity and Justice. I did confess, that
 I had often wondred, “how there ever came in a
 “Party within our own Church, who made it
 “their Business and their Pleasure, to deprectate
 “those

“ those Volumes of the *History of the Reforma-*
 “ *tion*, as if they were afraid or unwilling our
 “ Church should be justified in her Separation
 “ from the Church of *Rome*. And I wondred
 “ more there should be still the same Spirit of
 “ Detraction, to find Work and Weapons for
 “ the common Enemy, when his Lordship had
 “ outliv'd the Prejudice of former Reigns, and
 “ had done as much for the Interest of the Na-
 “ tion, and the Establishment of the Church,
 “ as any one English Subject. This is all that
 I took occasion to say, in return to so many
 Sights and Reproaches cast upon that worthy
 Prelate, by one of *inferiour Order* in the same
Episcopal Church, over and over in the most in-
 sulting manner.

I gave a few Instances, where Mr. *A.* had in-
 veigh'd against some pretended Mistakes of
 his Lordship, when the real Mistake was all his
 own. And I could have added many *Other*, but
 that my Design was to take them in their order,
 as they lay dispos'd in each Chapter. By the
 Sense and Experience I have had of his Lord-
 ship's Candor, I know he would be thankful to
 any Person, who should freely direct him to
 any of those Errors that were unavoidable in
such a Work, at *such a time*. But those who con-
 sider and allow, must rather admire, there was
 not a greater *Imperfection*. We have reason to
 hope and expect, that his Lordship will revise
 those useful Volumes, and give us such Amend-
 ments and Additions, as may illustrate the *Sub-*
ject and establish the *Authority* of them. To
 which purpose I am confident, all fair Advices
 of Error and incidental Lapse, will be grateful
 to his Lordship, as well as serviceable to his
 good

good Designs. But then to turn the private *Admonition* into a publick *Arraignment* ; to object with Clamour all the appearances of Humane Infirmary ; to upbraid, oppress, and triumph, with repeated charge of *Scandal* : And this, where the Faults were so inconsiderable, as not to affect the Cause ; nay and often the Articles so false, as to turn all on the Accuser's Head : This cannot be an Office of Religion or good Manners.

If I prosecute the Examination of Mr. *A.*'s Book, I shall prove, that he might have spar'd many of those abounding Reflections on my *Lord of Sarum's History*, as very frivolous or very false. And, what from another Hand would please Mr. *A.* I shall inform him, that he might have took some Advantages, which in goodness of Nature or some other Reason have escap'd him ; even in those places where he stop'd, and would have hit off the fault, if he had had any Sense of it. For one Example (by his Lordship's candid Suggestion to me) in the Case of the King's Marriage with the Relict of his Brother, argued in the Upper House of Convocation, *Anno* 1529. my Lord of *Sarum* has given this Account of it. *In the Upper House it was long debated, Stokesley Bishop of London argued for the Affirmative, and Fisher Bishop of Rochester for the Negative. The Opinions of 19 Universities were read for it, and the one House being as Full, as the other was Empty, 216 being present either in Person or by Proxy, it was carried in the Affirmative, Nemine Contradicente.* Mr. *A.* is very desirous to expose this Relation, and yet could not see the only Error of it, which was indeed the making 19 Universities

Hist. Ref.
vol. 1.
p. 129.

Rights, &c.
2 Ed. p.
54, 55.

versities instead of 19 dissenting Members. His Lordship took the Account from *Antiq. Britan. Edit. Hanov.* p. 327, 328. *In superiori autem Patrum Conventu, in quo Bononiensis, Pataviniensis, Parisiensis, aliarumq; Universitatum de ea Quaestione judicia recitata sunt. Controversia inter Stokeleium Londinensem & Fisherum Roffensem Episcopos aliquandiu mota, ab omnibus Patribus, qui ducenti sexdecem Personaliter vel per Procuratores interfuerunt, praterquam a 19 Universitatum predictarum sententiis assensum est.* Here 'tis possible his Lordship in his Notes had took it *praterquam* for *praterquam*, and then it was congruous to apply the Number of 19. to the subsequent *Universities*, which did indeed belong to the preceding *Persons*. The latter Number (as well as the *first*) should have been printed not in a Figure, but a word at length; and then it had been easily apprehended——

Ab omnibus Patribus, qui ducenti sexdecim Personaliter vel per Procuratores interfuerunt, praterquam a novendecim, Universitatum predictarum sententiis assensum est. i. e. As to the invalidity of the Marriage, the Prelates who were in Person or by Proxy Two hundred and Sixteen, did All excepting Nineteen, agree to the Opinions of the Universities before mention'd. Mr. A. would gladly in some measure have accounted for this difficulty; yet overlooks the principal Error, nay and confirms it by transcribing the faulty Reading into his Margin: *Praterquam a 19 Universitatum predictarum sententiis assensum est*: Wherein he (or the Printer) still makes the Reading more faulty, by putting no stop after the Numeral Figure, and so connecting it more absolutely to the word *Universitatum,*

versitatum, from which a full Point might before seem to divide it. For the Bishop of *Sarum* to have mistook in this matter, was excusable, if He saw no other Reading, nor the Manuscript Records to correct it. But for Mr. *A.* who had much clearer Evidence, to be still in the Dark, and so make the same stumble, even where he saw and complain'd of a false Step, *this cannot be defended.* Mr. *A.* suspected the difficulty might be founded on a Numerical mistake of *Josceline*, or of the Transcriber Rights, &c. or Printer of his Copy. He wonders, there P. 55. should be mention of 19 Universities, when the determinations of only about 7 of them were produc'd. He was sensible that 19 Persons indeed were both in the *Acts* and Instrument spoken of as dissenting from the rest. And yet he takes it still for granted, That it was carried for the Crown by 216. i. e. by the whole Upper-House : Ib. p. 53. And never thinking of the 19 No's, he only dreams that the 19 was a number laid hold of by the Writer, and carelessly apply'd to something that Ib. p. 56. it did not belong to. And what makes the Ignorance less excusable, he prints the very Instrument in his *Appendix*, where the Voices of 2d Edit. 197 Assenting, with 19 Dissenting, makes up Append. p. 508. the very Number of *Josceline*, 216 Members, without any reference to the Universities.

In the Report of this very Case, Mr. *A.* has run out into many other Absurdities, for which the Bishop of *Sarum* gave him no Precedent : As that the Upper-house amounted to several Hundreds in Number, out of which 216 Ib. p. 54. were got to do the King's business at a Critical Juncture, for fear of a dissolution of Monasteries, not yet thought of: that there were but 14 Compliers

pliers in the *Lower-house* ; and that the rest were out of the reach either of the *Awe* or *Bribes* of a *Court* ; whereas the Compliers in the *Lower-house* were many more than the Dissenters, and they comply'd too (for ought we know) out of *Conscience*, not out of *Courtship*. He has more of the like incoherence and confusion which shall be hereafter set right; I only observ'd this to prove, That Mr. *A.* in his Censures upon the Bp. of *Sarum*, catches at faults in appearance, when he cannot discern those that are more visible ; but repeats a considerable Error, and makes it *greater*, when he makes it his *Own*. And this too, when he saw there must be a Mistake, and produc'd the very Record of Correction, without application of it. Let Christian Writers learn Charity and Mutual Forbearance.

VI. You are come now, I find, to the *Last Objection* : Which pleases me the better , not only as the *Last*, but as that which is most inoffensive, or rather most agreeable to Me. It is, *That I do not differ so much from Mr. A. as the World imagines ; but have satisfied all reasonable Men by sufficiently asserting those Rights of the Church, and those Privileges of the Clergy, which the Author contended for.* This *Acknowledgment* is indeed a Justice done to Me : For I did not engage in the Controversy out of any disaffection to Mr. *A.* nor any Love of Opposition ; but, if possible, to state the Matter *fair*, and to let People understand One Another ; that so the rising Ferment might be gently allayed, and all the Members of our Church be restor'd to a good *even Temper*. With these Desires I did not in any one thing disagree with Mr. *A.* for the sake of disagree-
ment

ment, but for the sake of Truth and seasonable Peace. I was chiefly griev'd, That Mr. *A.* had labour'd to create *prejudice without Cause*: *And Eccles. Syn.*
to make Parties, when there was little or no dif- P. 93.
ference between them. I complain'd, That he would seem to put Us at an *irreconcilable distance, when the Question between Us would lay in a very short compass.* And therefore for the most amicable Method, I took the Abstract of his whole Book, as he himself had drawn it together in the last Leaf; where he says, *the* *Pref. 2 Ed.*
Points upon which the whole dispute turns, are all P. xxxvi.
summ'd up. I went twice over all these Heads, and agreed to as many of them, as Law and Reason could possibly allow; and dissented in some few other, with as much tendernefs and moderation, as I could my self desire or wish from any One of *different* Persuasion. But indeed that Abridgment of the Dispute, which Mr. *A.* has there given, does not extend to all the *particular* Debates. There be greater Points of Controversy maintain'd in his Book, which are not mention'd in that Abstract of it. But however, in *All Points*, I have determin'd, (I think) alway on the Church-side; As to the Original Powers of the Church inherent to the Christian Society: As to the Necessity of Ecclesiastical Synods distinct from Mixt Councils: As to the Lawfulness of *English* Synods independent on the Time and Place of Parliaments; and even in Cases of Necessity *independent* on the Civil Power: As to a less Harangue, upon the *Statute of Submission*, not magnifying the perpetual and indispensable Obligation of it; not *denying to ask or so much as to wish its Repeal*, or at least its Mitigation: As not obtruding

Eccles. Syn.
P. 99.

Rights, &c.
P. 351.

Rights, &c.
P. 64.

truding the Doctrine of *Attendance upon the Lords and Commons*: And yet, as being more tender of the good Old Parliamentary Rights of the Inferior Clergy, and wishing them still *in Convocation a Parliamentary Body to more Respects and to better Purposes, than Mr. A. had the Courage, or the good Will to make them.* Who has indeed dropp'd and despis'd the Old Constitution, as altered and fit to be altered, and the Parliamentary Interest of the Lower Clergy reduc'd to *Matters Ecclesiastical*; and has made a bold Declaration, that could never become a private Member of the Church, much less One that serves at her Altar: *It is so far from being in my Intention, that it is not in my Wishes, to set up a Plea for any of those old Privileges and Preheminences of the Clergy, which are long since Dead and Buried; and which, I think, ought never to be reviv'd, even for the sake of the Clergy themselves, who have thriven best always under a Competency of Power, and Moderate Pretences.*

In short, as to the Opinions dispers'd in that Author's Book: I have condemn'd none, but where they plainly *struck at the Constitution and the Interest of this Church and Nation.* And as to the Points summ'd up at the End of his Book, I have indeed explain'd some of 'em to a softer, and I hope a truer Sense: But I have deny'd or rather question'd Two only of 'em. 1. *That a Convocation may enter into Synodical Debates, and come to Resolutions without a Royal License*; " because our Reformed Fore-
" fathers did never (that I know) *resolve or*
" so much as *debate* of Canons and Constituti-
" ons, without the Sovereign Supremacy to go
" before them and protect them: And because
" there

“ there is a severe Act of Submission, with a
 “ dreadful Penalty on the violation of it :
 “ And because that Act may not be alway in-
 “ terpreted in favour of the Clergy ; and if
 “ they should but seem to exceed the bounds
 “ of it, they may be one time or other caught
 “ in some Snare, which it is more prudent to
 “ avoid ; till such a fatal necessity shall come,
 “ as may justify their Meeting and Acting to
 “ preserve Religion in spite of persecuting
 “ Powers. In the mean time, when they have
 “ a License in course for all great Occasions,
 “ and may possibly obtain a License upon any
 “ other occasion at their own Request : What
 “ need they dispute a Right to what a good
 “ Prince will always grant ; and when after
 “ all, without such a *Grant*, the highest Pre-
 “ tenders would be afraid to exercise that
 “ Right ? 2. I did further question, whither
 the *Lords and Commons had a Right of being at-*
tended by the Lower Clergy, if he mean a conti-
 nual and unintermitted Attendance on them.
 For this looks rather like a Badge of Depen-
 dence and *Retinue* ; which no Act has yet laid
 upon us ; no Parliament has yet demanded
 from us ; and therefore we need not yet hum-
 bly sue for it. I have own’d, “ That the Lords
 “ and Commons may have a Right to Convo-
 “ cations ready to attend their Parliament,
 “ and within Call to consult and resolve upon
 “ any Occasional Matters of Faith and Wor-
 “ ship : But not such a Right, that the Lower
 “ Clergy must be alway in actual Attendance,
 “ concurrent with every daily Sessions, not
 “ otherwise to be Prorogu’d by their own *Pre-*
 “ *sident*, nor by the *King* ; Because abating
 from

Eccles.
Synods.
 p. 103.

Eccles.
Synods.
 p. 101.

" from *Prerogative Royal* and *Archiepiscopal Au-*
 " *thority*, this is not for the Liberty of a Con-
 " vocation to *allow*, nor has it been ever the
 " Judgment of the two Houses of Parliament
 " to *desire*. If I find it necessary to prosecute
 this Subject, I shall settle these two Points be-
 yond all possibility of Doubt or reasonable Ex-
 ception. But then too, I shall all along remem-
 ber to join heartily with Dr. *A.* for all legal
 Rights of an *English Convocation*; for all neces-
 sary or expedient Powers of the *Church*; and for
 all customary Privileges of the *Clergy*. That
 we may be on the guard against our common
 Adversaries; and not open a Pass to any oppo-
 site Army, while we are skirmishing in our own
 Camp. Do not let us gratifie the *Erafsians*,
 the *Papists*, the *Assembly-Men*, nor any other
Party, who would be glad to see us lose our
Establisment, by disputing about the *Constitution*
 of it.

I was in hopes, Sir, You had done. But
 You give Me another Letter of some Passages
 in my Book, that You think may have given
 more immediate *Offence*.

As p. 96. *If the Lower-House has such inde-*
pending Rights, how come they to want the Right of
Adjourning themselves? Truly, I spoke this,
 without any knowledge of the consequence of
 Things, or of the intention of Persons. I
 thought all the Acts of former Convocations
 prov'd it; I had heard the oldest Members own
 it; and I believ'd all Writers would agree in
 it; because I did not find, that Mr. *A.* himself
 had yet denied it. True, in some former
 Usurpations upon just Authority, Men put in
 their Claims, not at once, but by *degrees*; not
 only

only, because it was a softer way to go step by step; but because indeed they did not know their own Mind, how far they would propose to go. Every new Grant might encourage to a new Request; so as they might *begin*, and afterwards enquire where *to end*. But as to the present Matter, I conceiv'd the Archbishop by the Custom of our *Own*, and by the Nature of *All* Provincial Assemblies, to be *President* of the *whole* Convocation, one Body distinguish'd into Two Houses. I never met with the Synodical use of the word *Adjourn*; I thought all the power of *Continuing* and *Proroguing* was in the *President*; or those commission'd by him, to be exerted at discretion, by declaring or intimating to the Lower-House. The Case appear'd to be so from all the Extracts that Mr. *A.* himself had given from the Journals of Convocation; as especially in *that*, which opened the Reformation 1532. 24 *H.* 8. and in *that*, which most settled the Reformation, 1562. 4 *Eliz.* and in *another*, that did more than ordinary Business, 1586. 28, 29 *Eliz.* In all which I thought it plain enough, that as to the continuance or discontinuance of the several Sessions, it was All in the Name, and by the Authority of the President or his Commissioners; and the Prolocutor at most did but intimate or make known the Orders He receiv'd. By All that stands upon Record, the *Lower-House* of Convocation were so far from claiming an Original Right to continue or adjourn themselves; that they thought it no interest to desire such a Privilege: For if it could ever have been *newly* obtain'd, it must have been (by former Principles) with intire deference to the Archbishop's

2 Edit.

Append.

p. 543.

2 Edit. p.

407.

Addend. to

2 Edit.

Power of Prorogation : And if so, a Right of Adjourning had signified so very little, that it was not worth disputing.

But possibly, if the practice of separate Adjourning had been allow'd, the Archbishop's Authority of intermediate Prorogations might be soon deny'd. His Grace should only execute the King's Writs of Proroguing, as of Dissolving, at the end of a Sessions : And this as *Minister* of the Civil Power ; not as *President* of the sacred Synod. This would have been such a Violation upen the very Nature of a Synod, and the Liberties of a Church, that I know of no One in all our latter Ages, who ever wrote or spoke of it. I believe, if any one of the inferior Clergy should have urg'd it as an Expedient or a Safe Privilege, that the Lower-House should have such an independent Power, and a free exercise of it ; yet the Body of the *English* Clergy would not only have considered, that Matter of *Expedience* is one thing, and Matter of *Right* another : But they would have considered further, whither such Pretences might not weaken the Government of the Church, and make it (if possible) more subject to the State ; or at least might not divide the Presbyters from their Bishops, and alienate the People from Both ; till the New *Expedient* might possibly end in Breach of Unity, and sad occasions of further Separation.

For if the Lower-House can have any Plea to a separate Right of Adjourning *without* and *against* the President : The Upper-House might as well insist upon the Right. It is true, they never did so : But if there was any Right, there would be at least an equal Title to it ; and the

Pre-

Prelates might as well (at least) act with independence on their Metropolitan, as the Inferior Clergy. And where then would be the Centre of Unity, or the Constitution of Provincial Synods? Nay, granting a separate Power in the Lower-House; the Prelates would have a surer Claim to the same Power; because their Character does invest them with the Authority of imposing spiritual Censures; in which Authority all Synodical Acts are founded, and by which they must be enforc'd: Whereas the Lower Clergy having no such Authority in themselves, cannot exercise any Power that must depend upon it. What coercive Authority have the Lower-House over their own Members, without Complaint and Appeal to the President and his Suffragans? Can they inflict any civil Censure on them, of Custody, Commitment, &c.? They would break all the Nature of a Synod by pretending to temporal Penalties. Can they impose any Ecclesiastical Censure? Can they suspend, deprive, or excommunicate? Not while our Church is an Episcopal Church. And therefore to claim a Right without any Remedy, and to assert a Power with no means to enforce it: This is not agreeable to any Laws or Rules of Policy. Men that look back on the Discipline of Primitive Christianity, are very sensible, that the Government of the Church was alway with the Power of the Keys: And for this reason, the Authority of all sort of Synods, was in *their* Hands Alone, who could exclude from and readmit to, the Communion of the Church; and *they* were the Bishops, not the Presbyters.

I believe indeed, Most Men of Sense and Reading are conscious, that a Lower-House of *English* Convocation as Part of a Synod, can have no such distinct Powers; but yet, they may have them as a Parliamentary Assembly. This Notion will be hereafter prov'd to be very false. But at present, I only ask, Do's the Lower-House of Convocation sit in any *other* Capacity, than the Upper-House of Convocation? And do's the Upper-House sit as a Part of Parliament? Have their Lordships a double Seat in Parliament, one with the Lords Temporal, and another by themselves? Are they a Parliamentary Body (suppose) in *Jerusalem Chamber*, as well as in the House of Lords? Absurdities require no Answer.

As to any particular Authorities from Journals, or the Minutes of them, that may be offered to support the Cause on either side: They are, and ought to be, reserv'd to a more full Examination: When I presume it may appear, That all the References made to a Prescription of Adjournment in the Lower-House, are by Collation and Inference found to be pure Mistakes: And that the Answers given to them may be so fair and evident, as to admit of no Reply.

See Rights,
Powers,
&c. Appen-
dix. p.
596.

For a word or two at present. 1. That *Form or Description of holding a Convocation*, which from Ancient Usage was drawn up for a continued Pattern to our Reformed Church, that Publick *Form* does speak of the continuance and intermission of Sittings in the Lower-House, as depending intermediately on the Metropolitan, and finally on the Prince. *Et statim idem Reverendissimus Anglice (si placeat) exponere solet ulterius*

terius beneplacitum suum, hortando Clerum ut de rebus communibus quæ reformatione indigeant consultent & referant **DIE STATUTO.** *Ac ad hunc modum de Sessione in Sessionem continuabitur Convocatio, quamdiu expedire videbitur, ac donec de eadem dissolvenda Breve Regium eidem Reverendissimo presentetur.* 2. The Archbishop's Power of appointing the successive places of Sitting for the Lower-House of Convocation, does include an equal Power of appointing the successive Times of Sitting: For He could not command their Appearance *here or there*, if

he could not command their Seasons of Appearing. That the President has such a Power of fixing or moving the Place of Sessions, is express'd in the very Royal Writ of Summons, by which the Archbishop is to call the Clergy of his Province to appear before Himself, in *Ecclesia Cathedrali S. Pauli London vel ALIBI* prout

melius expedire videritis cum omni celeritate accommoda. And accordingly the Archbishops have all along remov'd the Place of Assembling from S. Paul's to Westminster, to Lambeth, or to any other Station, as they thought expedient, with advice of their Suffragans; not with any consent of the Inferior Clergy, expressly ask'd or given.

3. In profess'd Claim and actual Exercise of this Right, the Archbishops of Canterbury in their Mandates to the Bishop of London for convening the other Bishops and Clergy of the whole Province, took care to assert their due Authority of altring the Place and Time of Sitting, as they should upon occasion see fit and proper——

Compareant coram Nobis aut nostro in hac parte locum tenente sive Commissario (si Nos impediri contigerit) in Ecclesia Cathedrali D. Pauli

16 Feb. 13 Eliz. Breve Caroli I Willielmo Arch. Cant. 20 Febr. Regn. 15. &c.

Mandatum Matth. Arch. Cant. Edmundo Lond. Episcopo. 27 Nov. 1562. Mand. Willielmi Archiepisc. Cant. Guilielmo Lond. Episcopo 22 Feb. 1639. &c.

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London. (*dicto die*) *cum continuatione & prorogatione dierum extunc sequentium & locorum si oporteat.*——4. In Declaration of this Metropolitcal Right, when the Royal Prerogative interpos'd to prorogue the Convocation: It was done with acknowledgment of saving and confirming the Archbishop's Right as to the farther proroguing and continuing to Place and Time. So expressly in Two Forms of Prorogation by Queen *Elizabeth* (the First dated 9 April Regn. 7. the Second 16. Sept. Regn. 7.) the Limitation of future Place and Time upon their re-assembling is left to the Pleasure of the Archbishop, by the usual Clause, *Cum Prorogatione & Continuatione Locorum & Dierum prout convenit.*——5. Upon this fundamental Right, the Authority of proroguing the whole Convocation, was by the President transferr'd to those, whom He should Constitute his Commissaries, as a principal and necessary Power delegated to them. Thus 1529. Sess. 1. The Archbishop in presence of the Prelates and Clergy constituted the Bishops of *London, Rochester,* and *Ely* his Commissioners, *quibus commisit potestatem audiendi negotia quando Reverendissimus absens foret, & ibidem Convocationem prorogand. &c.* Hence the Commissions, both from the Dean and Chapter of *Canterbury* in the vacancy of that See to the Bishop of *London*, to act as President, and from the Archbishop or Bishop to other Commissaries, have had a constant Clause to specify this Power of Prorogation. And accordingly, the Commissaries in their Act of proroguing the Two Houses of Convocation, have affirm'd this power to have been so expressly transferr'd to them: And were never, that we know,

Vid. Convoc. 1562. Sess. 1, 2.

know, question'd in the free Use and Discretionary Application of it. So that 6. After the President or Commissaries had declar'd and notified a Prorogation, we do not find in any one Instance, that Business in the Lower-House was either done, or attempted to be done ; because from the time of their receiving intimation, that the President had prorogu'd them ; they knew themselves incapable of Acting, as made so by competent Authority, which did render all Debates, Resolutions, &c. after such notice given, void and irregular.

If to these and many other Arguments (to be supported by a continued series of Authorities drawn from the Originals or best Copies of our Convocational Acts) It be Objected, That some Instances of Fact may be produc'd, where the Lower-House have seem'd to sit and proceed in the Intervals of Prorogation made by the President or Commissioners ; I can only Answer, that I never yet met with any single Act of Prorogation by the President or any commission'd by Him, that did not include both Houses : And therefore I presume, That if a Part of the Inferior Clergy have ever met in such Vacations or intermediate Times ; they have met as an allow'd *Committee* only, not as a proper *House* ; and therefore their stated Sessions even in the Lower-House could not be computed by such occasional Meetings, but from the time only of the whole Convocation being *joyntly* Prorogu'd, and *joyntly* Re-assembling : Tho' I confess, I have not yet found any one Instance of a Year old, where the Lower-House or any part of it have met by their own Authority, within the time of Prorogation

gation determin'd by the Archbishop. I hear an Instance or two have been urg'd from the Convocations of 1640. but I suppose it will appear, That such Obscure Hints as perhaps may seem to be given from the Minutes of the *Lower House*, when compar'd with the Acts of the *Upper*, betray only some inaccurate haste of the Scribe ; and are utterly incapable of that Sense, to which they have been of late applied.

There be indeed some other Instances, where the *Lower-House* of Convocation (yet in concurrence with the *Upper*) have met a day or two or more before the time, to which they had been prorogu'd : But then, this was not their own Act of *Privilege*, but their Act of *Obedience* to the Archbishop's, or his Delegates command ; who for some urgent Reasons could appoint a new Day, within the time before allotted. And then it is a Case that more asserts his Grace's Power over his Provincial Convocation ; that tho' He has prorogu'd their Session to a *longer* Day ; yet upon just Reasons He may again prescribe a *shorter* ; and call them together as *often*, and as *soon*, as He judges there is occasion for them.

I am apt to think, That as to this Claim of independent Privilege in the *Lower-House*, the matter of *Right* and *Fact* will be wav'd, and the Argument shall run only upon *Expedience*, and reasonable *Motives* that it *should* be so. But this is a way of Arguing not to be admitted in Points of Law and Constitution. If once we give up the Settlement of what *is*, to the Project of what *ought to be* ; we may make unto ourselves new Governments in Church and State, till we have no Governors in *Either*. Yet where

is the convenience or great advantage of such a separate Power in the Lower-House? It is a common Plea, That *Business* cannot be prepar'd or rightly prosecuted, if the Inferior Clergy have not such Liberties to sit as long and as often as they please : If they were to rise continually with the Upper-House, and not to re-assemble without their concurrence ; they should then have little opportunity to transact the Affairs of Religion. But were the *Affairs of Religion* wont to be transacted by the Inferior Clergy without the Bishops? Or is there any Necessity of such a Reformation? Indeed Petitions for redress of Grievances, and other Dutiful Applications to the King's Majesty, to Parliament, to the Archbishop or Prelates, were often begun in the Lower-House of Convocation, as their proper Business. But the Censure of Heretical Books or Persons, the Draught of Canons, and other strict Synodical Acts, *these* commonly began with the Archbishop and Bishops as the more immediate Spiritual Judges. Or if any Constitutions or other Ecclesiastical Acts were sometimes form'd in the Lower-House, this was rather by order or permission of the President, than by their own prime Motion, or by their own direct Authority : And therefore they presented such Forms to the Upper-House, as their Request, or as their Report ; not as their Act and full Determination.

However, if upon the Archbishop's Prorogation, the Inferior Clergy thought fit to represent to Him, that they had some urgent Business on their Hands, which they could not expedite without more frequent Assembling : They might, I presume, have been allow'd to hold

hold one Committee or more to Sit where and when they pleas'd, during the Intervals of Joint Session ; to prepare Matters, and Report them at the next Meeting of the whole House. This Accommodation would have been accepted, if the dispatch of proper Business had been the only thing in Question.

If it be still urg'd, That Privilege is a tender thing, and the Lower Clergy ought not to recede from it. 'Tis no Argument at all, unless the Privilege be *Legal*. All *Legal Privileges*, and such Alone, ought to be maintain'd by the same *Legal Ways* and Means. But then the *Legal Prerogative* of Governors is as tender a thing, as the *Legal Privilege* of Subjects, and ought to be as sacredly secur'd. If therefore all the Archbishops of *Canterbury* and *Tor* (before and since the Reformation) have been in possession of a Right and Custom, to preside over their Provincial Convocations, and to appoint their Place and Time of Sitting, with no other Submission but to the King as Supreme. Then I think modestly, their *Graces* ought to be *tender* of the Pre-eminence of their Metropolitans, and not depart from those Rights, which they received from their Predecessors ; and which they are to convey down to Posterity : And my Lords the Bishops ought to be *tender* of saving to their Metropolitan his just Powers : And the whole Clergy are bound to be as *tender* of the good old Constitution of the Church.

Nay, if the *Right* were to give place to *Expedience* ; they would All consider, whither the times might not return, when by the old aspiring Attempts of *Presbyters* against their Bi-

shops ;

shops ; it might not be of worse consequence, for the Archbishop to want a Power of *Proroguing* the whole Synod, than for the Lower-House to want a Power of *Adjourning* themselves.

You point, Sir, to another Passage, that You think may seem *Invidious*. It is p. 146. Our Author (for purposes best known to Himself and Friends) has all along a mind to make the Inferior Clergy greater, and the Archbishops of Canterbury less than they really were. As to the purposes for which he did it, You see I made no hard conjectures ; but that He *so did*, I had some reason to complain, because I could have prov'd it from several Instances, as well as that single One I there mention'd.

1. Our Author found it to be the custom in our ancient Synods, within the Province of Canterbury ; for the Archbishop in his own Name to Decree and Ordain the Canons. He would resolve this Prerogative not into Ecclesiastical Right, but into Papal Usurpation : Not into his Power of *Metropolitan* or *Primate*, but into his Title of a *Legate born*. And in virtue of that Character (says he) he might take upon him to Decree and to Ordain, as the Pope did in Foreign Councils. As if the Archbishop at the Head of his Provincial Synod, were only the Pope's Vicar, and acted with a high Hand as a Delegate from Rome. The extraordinary Legats appointed by virtue of particular Commissions, did indeed derive their Authority of convening even National Councils, and presiding in them, from the Pope, who assign'd them to those special Affairs. But the Archbishops of Cant. who had the standing ordinary Title of
Le^s

Legati Nati, did not by virtue of that Title act beyond their own Province, or pretend to any Power of summoning National Councils ; nor indeed within their own Provincial Assemblies did they exercise or claim any sort of Powers as deputed from the Pope ; but knew their Jurisdiction to be *inherent* in their See : The same as by Primitive Constitution, and by continued Prescription, was in all the Principal or Patriarchal Sees, which by the very Councils of *Nice* and *Ephesus* were to have a Precedency and equal Independence. It was hence, That by the *Ancient Church*, the *Metropolitan* had the $\kappa\upsilon\epsilon\theta$, as Mr. *A.* confesses. It was hence, That our Archbishops in their Provincial Councils, sat not as Judges delegated by the See Apostolical, but as Metropolitans and Primates ; with no Commission, with no Instructions by Bull or Mandate from the Pope. If the Archbishop of *Canterbury's* Rights or Powers in Convocation had ever depended upon the Name or Privileges of *Legatus Natus* ; then no Foreign Metropolitan, who wanted that Title, could have exercis'd the like Synodical Authority ; nor could our Archbishops of *York* have presided in their Convocations, to an equal extent of Ecclesiastical Prerogative. But if Foreign Archbishops, who were no Titular Legates, took the same Methods of Calling, Continuing, Dissolving, and otherwise Governing their Provincial Synods : And if our Archbishops of *York* were and are in this respect as much Presidents of Convocation within the *one* Province, as the Archbishops of *Canterbury* within the *other* : Then any Man of Reason will think it evident, That the Synodical or Convocational Rights

Rights of the Archbishop of *Canterbury*, did arise from the Constitution and Customs of the Christian Church, confirm'd and establish'd in this Nation; and not from any new Title acquir'd from *Rome*, not from the empty Name, or the very insignificant Office, of *Sedis Apostolica Legatus Natus*. That the Title of *Legate Born* did not affect the Pre-eminence of the Archbishops of *Canterbury* in their *Provincial Synods*, has one demonstration from a Letter of Pope *Martin* the Fifth, to *Henry Chicheley* Archbishop of *Canterbury* toward the end of the Year 1426. wherein he does suspend the Archbishop from all Jurisdiction, Superiority, and Power, which he could claim as *Born Legate of the See Apostolical*; because it seems, under that Title the Archbishop had by custom receiv'd the mean Profits of Cathedral Churches vacant within his own Province; but not a word that his Suspension from the Office of *Legate* should lessen or restrain Him in his *Provincial Synods*. And therefore in the Archbishops first Appeal, which he made by a Publick Instrument dated 22 *March* 1426. He protested against the Pope's attempting or causing to be attempted any thing in *prejudicium Status mei & Jurisdictionem Ecclesie mee Cantuariensis ac Libertatum, Consuetudinum & Prerogativarum ejusdem ac potestatis mee jure Metropolitico aut Legationis a Jure in Jure & nomine Ecclesie mee attributa*.——And much to the same same effect in the Archbishop's Second Appeal, publish'd in *Hist. Ref. Vol. I. Append. p. 321.* where even a Popish Archbishop under the Tyranny of Bulls and Thunder, does dare to vindicate the Liberties and Prerogatives of his Metropolit-
cal

Reg. Car.
Both Epi
Hereford
MS. f. 58.

Dat.
6 Apr.
1427.

cal See, as of Original Right and Custom.

To give a late Instance of the Judgment of our English Divines in this Matter; *Andreas Olzgouski* Archbishop of *Ghezna*, Primate of *Poland* and *Lithuania*, wrote a Letter dated 11 July 1675. to *Gilbert* Lord Archbishop of *Canterbury*, to desire an Account of what Rights and Privileges had belong'd to the See of *Cant.* by virtue of the Title of *Legat Born*; because having the like Stile and Dignity annexed to his Metropolitcal See of *Ghezna*, he might thereby the better understand and assert his own Prerogative: For by a Bull granted by *Pope Leo X.* to that *AB.* and his Successors, they were to enjoy all and singular Privileges, Liberties, Pre-eminences, Exemptions, Immunities, Honours, and Favours, which belong'd to Legats born, and especially to the Archbishop of *Canterbury*.

Reverendissime & Illustrissime Domine
Amice Colendissime,

CUm nonnulli idonei homines rogatu meo susceperint negotium investigandi privilegia antiqua celeberrima & Primatialis in Anglia Cantuariensis Ecclesie, audaciam sumpsi compellendi de super illustrissimam & reverendissimam Dominationem vestram. Licet enim ignoti & religione diversi, tantoque terrarum ac maris spatio divisi agamus; plurimum tamen confido de celebrata illustrissima ac reverendissima Dominationis vestre humanitate, eam in extrahendis mihi per copiam authenticam privilegiis, prasertim Legationis Nata, quibus

bus Ecclesia Cantuariensis cæteris in Anglia Cathedralis, antequam Romana Ecclesia nuntium remisisset, prestabat & prefulgebat, atque nunc prefulget, haud gravate demonstratum iri, &c. Archbishop Sheldon advising with his Suffragan Bishops, and especially with the Learned Bishop Fell, return'd an Answer dated 11 July 1676. wherein he well asserts the Original independence of his See of Cant. and claims all Metropolitcal Rights, as of primitive Institution, and continued Custom.

—*Quamquam Ecclesia Britannica ab Apostolis ipsis, aut saltem viris Apostolicis, sub primis Evangelii initiis fundata, per plura exinde secula nulla peregrina jurisdictioni subdita certissimo Præscriptionis jure, necnon Synodi Nicenæ & Ephesinæ decretis, αὐτοκεφαλίαν sibi vindicat, unde ejusdem Primates pari potestate Diocesi suæ præerant, quæ Alii quicunque sive Orientis sive Occidentis Patriarchæ fruebantur, &c.*—*Jura vero & Privilegia quibus sedes Cantuariensis perpetuis temporibus hucusque gavisæ est & etiamnum gaudet, ita se habent. Totius Angliæ Primas & Metropolitanus audit, Primus Regni Par, Proceribus quibuscunque nisi ex Prole Regia, superior, titulo Clementiæ insignitur. Regem in coronatione inaugurat; Episcoporum sibi subditorum Electiones confirmat, & eorundem consecrationi præest; Illorum in Regimine Episcopali Errata & Negligentias corrigit, Isq; infirmis Coadjutores assignat. Provinciales Synodos convocat, convocatas moderatur, ultimum in iis fert Suffragium. Appellationes admittit ab Inferioribus Judicibus, etiam omisso Medio, &c.* As for the most Part extracted from the *Cantuariensis Sedis Privilegia & Prærogativæ*, to be seen in Manuscript, Cotton. Cleopatra. F. 1. Fol. 254. and printed in

the Introduction to *Antiquitates Britannicæ*, drawn up (I presume) by the Learned Archbishop *Parker*, who rightly understood, that his Predecessors had the vain Title of *Legati Nati*, as a meer Artifice of *Rome*, that the exercise of their ancient Rights might seem to depend upon the Pope, which indeed depended on the Constitution of their Province, and the Prime See of it. — *Sed Pontifices Romani hac authoritate præditos Cantuarienses Archiepiscopos ut suos Legatos nominabant, ut authoritatem quam jure suo obtinebant a sede Romana sumere viderentur.* — *Hac fuit plerumque Papalis calliditas & astutia, ut quorum authoritatem in administratione Ecclesiastica maximam esse cognosceret, Is omnium regnorum Dominium affectans, eos suos Legatos voluit dici, ut quacunque in administratione sua gesserint, sua tanquam universali authoritate fieri viderentur.*

Antiq.
Britan.
Edit. Han.
p. 25.

In Truth, abating from some Arbitrary Efforts of K. *Hen. VIII.* The Archbishops of *Canterbury* at the Reformation, were so far from losing any precedent Rights, that they recovered many, which had been usurp'd by the See of *Rome*; nay, and had some new Powers and Privileges by Law conferr'd upon them. So as to plead their Authorities were now diminish'd, when in Fact they grew more absolute and independent, by casting off Subjection to the Pope; This could be an Argument only in the Mouths of those who hated the Reformation. They indeed maliciously Objected, That Archbishop *Cranmer* ought not to exercise his Predecessor's Rights of the Visitation and Suspension of his Suffragans, because these might be extraordinary Powers formerly challeng'd by the

Stat. xxv
Hen. viii.
cap. xii.

the Legat Born, but no longer due to the *Primate* or *Metropolitan*. Hence *Stokesley* Bishop of *London* and the Chapter oppos'd the Visitation of Archbishop *Cranmer*, and appeal'd against it to the King; First complaining, *That the Archbishop in all his Monitions and Writings sent to the Bishop, Abbots, Prior, and Archdeacon of London, concerning this his Visitation, called himself Apostolicæ Sedis Legatum; and then saying, That although the Archbishop doth relinquish the Name of a Legate, yet nevertheless he exerciseth such Jurisdiction, as the Laws never gave to Metropolitans, nor no Archbishop in Christendom doth exercise, Legates of the See of Rome only excepted.* But *Gardiner* Bishop of *Winchester* being more cunningly conscious, that the Archbishop might Found the Privileges of his See of *Cant.* upon his *Primacy*, not upon his *Legatine Title*; He would fairly have had him depriv'd of the Stile of *totius Angliæ Primas*, as well as of that of *Legatus Natus*; and therefore he complain'd unto the King's Highness concerning the Archbishop's Visitation, that in his Stile he was writ-
ten totius Angliæ Primas, to the derogation and prejudice of the King's high Power and Authority, being Supreme Head of the Church.

*Strype's
Memoirs of
Cranmer.
Append.
p. 21.*

*Strype
ibid. p. 19.*

Some too of the Inferior Popish Clergy envying the Archbishop's Government of a Re-forming Church, would have had some of his Authorities laid down with his Title of *Legatus Natus*. And first, they would have had his Court of *Audience* dissolv'd, pretending that he held it as the Pope's Legate. This (says a very temperate Author) was drawn up in way of Petition and Complaint, either to the King or Parliament, by a combination of some of the Con-
 vocation,

*Strype
Memor.
p. 39.*

vocation, as I suspect, the Paper being Writ by the hand of the Register of the Lower House of Convocation. — The Archbishop answered all their Pleas against it, and by way of Protestation affirm'd, That he kept not his Court by virtue of his Bull from Rome as Legate, and that none could suspect that He did. — To which the Convocation, or rather some Part of it, made a Reply, that may be seen in the Appendix, Num. xvii. But the Archbishop maintain'd his Rights, and the King supported Him in the Legal Defence of them.

Yet observe, in all these Exceptions against the Archbishop's Authority, as ceasing to be Legate Born, they relate only to Visitations, suspension of Diocefans and other Ordinaries, Procurations, and Court of Audience; not one Objection made against the Archbishop's accustomed Rights in Convocation. For they seem to have known, that the most unquestioned Power of a Metropolitan was to be in the Head of all Provincial Assemblies of his Clergy. For which the Bishop of London and his Chapter made a wise and true distinction in their Appeal, that it is to be dissevered, what they (the Archbishops of Cant.) did as Legates, and what as Metropolitans, and what by Force after Repealed, and what by Right peaceably Enjoyed. And therefore they dutifully offer, for a conclusion, It may please Your Majesty to be advertis'd, That if my Lord of Canterbury can shew by Ancient Precedents, that any his Predecessors have used peaceably the Premisses without interruption, and so have enjoyed the same, those Precedents shewed and brought in presence, allowed also by your Learned Council in the Laws Spiritual to be Precedents

dents sufficient, and of Authority in this behalf, we shall then immediately in all the Premisses obey the said Archbishop, without any further contradiction.

And therefore it was not ingenuous in an English Reform'd Divine, thus to derogate from the Rights of our National Church, and to derive the Archbishop's Synodical Authorities from *Rome*, that by the Constitution of this and all other Churches, were inherent in the chief See of every Province. It is true, the usurping Pretensions of the *Pope's Supremacy* had invaded, and almost swallowed up all *Provincial Rights*; and especially here in *England*, where the Legatine Authority committed to a Foreigner, or even to a Suffragan Bishop, did virtually suspend the Archbishops from some ordinary Jurisdiction during the Pope's pleasure. But as these Papal Encroachments were in great measure restrain'd before the Reformation; so at and since that *Reformation*, the original Powers of Superiority within their respective Provinces were thought rightfully restor'd to our Two Archbishops, with no other Submission at least but to the *King's Supremacy*. Archbishop *Cranmer*, when he laid down the Title of *Legatus Natus*, was in all respects as compleat a President of Convocations, as any of his Predecessors; except where the King (then too much acting the Pope) did by his extraordinary Commissioner interpose. But those who would now resolve the Presidency of the Archbishop in Synod into former Deputation from the Popes, would not, I believe, resolve it into any present extraordinary Commission from the King. And therefore they

and we ought to ascribe it to the Original Constitution of Provincial Councils, where the Head of the *Province* was *suo jure* Head of the *Synod*.

Rights, &c.
1 Ed. p.
346.

Sir Rob.
Cotton.
Rem.
p. 216.

Animad-
ver. on
Coke p.
233.

2. Our Author does in another Case lessen the Archbishops of *Canterbury*, by making their *Power in Spiritualities* to signify their *Place in Convocation*. For thus, says he, 18 E. 1. *the Commons desire remedy, de multimodis injustis vexationibus eis factis per Officiales & alios Ministros Ecclesiæ. The King reply'd, Cancellarius emendet in temporalibus, Archiepiscopus in Spiritualibus, i. e. the Archbishop in Convocation.* Here the Report it self is falsely made; but the Comment on it is still worse: For this Parliament at *Clipston* was not properly a Parliament, but a Great Council only or extraordinary Court. Nor was it a Motion of the Commons in Parliament, as he would represent it; but a Petition of the Citizens or Freemen of *London*: Nor do the Petition and Answer run, as he repeats them; but more distinctly thus, as Mr. *Prynne* Transcrib'd them from the Records in the Exchequer.

Petitiones coram Domino Rege ad Parliamentum post Festum S. Michaelis Anno Regni Regis Edwardi 1. 18. Rot. 6. in dorso, inter alia sic continetur.

Inter Re-
corda D.
Regis in
Thesaur.
Recept.
Scacc. sub
custodia D.
Thes. &
Camerar.
ibidem
Reman.

HOmīnes de London conqueruntur de Officia-
libus & Ministris Ecclesie de multimodis
vexationibus citationibus & exactionibus minus
onerosis & debitis (nimis onerosis & indebitis)
per quas plus extorquent de populo quam om-
nes Curias) (Curie) Laicales Et petunt quod Rex
apponat

apponat remedium festinanter, ne destruat^{ur} Populus in occulto.

Resp. Si Curia Regis possit emendari fac. Cancellarius emendet in Temporalibus, Archiepiscopus faciat in Spiritualibus.

But why now must *Archiepiscopus in Spiritualibus* be rendred *The Archbishop in Convocation*? If so; *Cancellarius in Temporalibus* must be the *Chancellor in Parliament*. The opposite terms would have their Sense equivalent in their differing respect. But if the Chancellor's Amending or Reforming in *Temporals* be meant of his ordinary Jurisdiction within his Court of Chancery, by prohibiting and relieving those Vexations and Extortions: Then likewise the Archbishop doing the same in *Spirituals*, can be meant only of the Archbishop in his ordinary Courts of Ecclesiastical Jurisdiction, by inhibiting and correcting the Abuses of Inferior Christian Courts and the Officers of 'em; With no reference at all to the *Archbishop in Convocation*, unless the Archbishops at their own discretion would convene a Synod of their Suffragan Bishops and Higher Prelates, and by their Counsel Ordain some particular Canons of Reformation: For the proper Ecclesiastical Synods had not yet the inferior Clergy consulting and deciding in them. Mr. *A.* must needs know, That the *Kings of England* gave many of the like Answers to Complaints in Parliament, undertaking that his Chancellor and his Civil Courts of Justice should restrain *Lay-men*, and correct *Temporal Grievances*; while the Offences of the Clergy, and the Defects in *Spiritual Causes* should be committed to the more proper cognisance

Rights, &c.
Pref. p.
xix.

of the *Archbishops* of Canterbury. And therefore it must look like a design'd Diminution of the Rights of the *Metropolitan* and *Primate* of all England, to make the *Archbishop in Spirituals* to mean the *Archbishop in Convocation*; when it really meant the *Archbishop in his own Province*, with the Powers and Prerogatives of Right pertaining to his Metropol. See. It seems true, as Mr. *A.* observes, That *my Lord's Grace of Canterbury is never so considerable, as when he is at the Head of the Clergy of his Province*: Yet that may be true, or not true, according to the Deference and Duty that is there paid to Him.

Rights, &c.
p. 114.

3. I'll give you another Reason of my Complaint, That this Author *had all along a mind to make the Inferior Clergy greater, and the Archbishops of Canterbury less than they were.* Because among his ways of explaining the *Statute of Submission*, He would have the *Archbishops* only restrain'd by it; and the *Lower Clergy* left to a full and intire Liberty. He would have it appear upon the whole, that the 25 *H. 8. c. 19.* has not in the least infringed this Right as far as the *Lower-Clergy* are concerned in it. That the Limitations there made to the exercise of it chiefly concern the *Archbishop* of either Province, who is now restrain'd, &c. That the *Inferior Clergy* are no otherwise concerned, than to take care, that they give their consent to no Canon fram'd by themselves, or sent from the *Upper-House*, otherwise than with Submission to the *Royal Pleasure*, that they are left therefore intirely at their liberty to confer and deliberate even about new *Canons*; and also to devise, frame, and offer them to the *Upper-House*, &c.

I am by no means for too harsh a Sense of the *Act of Submission*, nor to make it impose any undesigned Burthen on the Clergy, or on any Order or Degree of them. And therefore I cannot think it Just and Impartial, that this New Interpreter of the *Act* should make the Prohibition and the Penalties of it extend only in effect to the Archbishops, and tie up *their* Hands chiefly ; leaving the Inferior Clergy so free and unconcern'd, as if the Archbishops only had submitted, or at least the *Upper-Houses of Convocation*, without the *Lower*. And indeed Mr. *A.* in his last Edition, does make the Submission a singular Act of the Lords, without the Lower-Clergy's Concurrence ; yet however, he confesses the Lower Clergy had already pass'd a more *Ample Form*. But indeed the latter Form presented to the King, tho' it pass'd in the Name of the Upper-House Alone, as commonly All Addresses did, that were personally delivered to the King ; yet the Form was but the *same* (with one or two Amendments) that had been before Agreed to by a very great Majority in the Lower-House. And therefore the submitting Declaration run in the Name of the whole Body of the *English Clergy*, **We your most humble Subjects, daily Orators and Beadsmen of your Clergy of England.**—And the Submission to be sure was accepted not as an Act of the Prelates, but of the whole Clergy of the Realm. It is true, the Archbishop must be *chiefly restrain'd* ; because He had greater Powers to be *restrained in* : The Powers of Calling and Dissolving Synods independent upon the King, of Ordaining and Decreeing Canons without Royal Assent :

Rights, &c.
p. 95.

sent : Of promulging them and putting them in Execution within the Spiritual Courts of his Province. The Lower Clergy indeed could not be *restrain'd* in any of these Powers, because *they* had not before pretended to them : They could not *lose* what they never *had*. But neither was the *Archbishop* restrain'd in any subordinate and intermediate Powers ; the Power of enforcing his Provincial Writ (Issued upon the King's Precept) to be duly executed through his Province : Of punishing all those Members of either House, who should not obey the Summons : Of commanding and accepting the Choice of a Prolocutor : Of so putting the Lower Clergy into a condition of Acting under His Grace as a separate House : Of giving leave to any Members for absenting : Of recalling those who shall absent without his leave : Of censuring them for their Contumacy if they do not Return : Of receiving their Requests : Of advising their Debates : Of proposing and receiving their Assent : Of commanding their Attendance : Of appointing their Times and Places of Session and Intermission : And in a word, of *Presiding*, as before, over the whole Body of his *Provincial Clergy*. He lost nothing, but the Primary and Ultimate Powers of an independent Call and Dissolution of the Synod ; and of Ordaining, Promulging, and Executing Canons or Constitutions in his own Name, or as of his own Right. And therefore it is to be observ'd, that in whatever Powers the Archbishop was depriv'd or abridg'd, the Devolution of those Powers was directly to the *King* ; and the *Archbishop* had still a Right to All the Old Prerogatives of his See, that were

were not so exprefly convey'd to that *Supreme Head and Governor*. I mention this, becaufe Mr. A's Scheme does feem to argue, that the Inferior Clergy were rather Gainers than Losers by that Submission : And by fome of his Inferences, One would imagine, That the Archbishop and Prelates had indeed fubmitted to the Lower-Houfe, as well as to the King. A moft abfurd Implication ! In whatever Cafes the Archbishop was refrain'd ; no doubt the Lower-Clergy were more effectually refrain'd. If the Archbishop could not fummon without the King's Writ, nor fue out fuch a Writ without the King's Pleafure ; Much lefs could the inferior Clergy meet, or claim their Meeting, without the fame Royal Will and Pleafure. If the Archbishop himfelf could no longer pre-fume to frame a Canon, nor to offer it to the Approbation of either Houfe in his own Name, without Royal License, much lefs can the Lower Houfe attempt fuch a Liberty. If the Archbishop in Convocation cannot (by any other Authority, than he has even out of Convocation) condemn any Doctrine, nor cen-fure any Book, nor punifh any Perfon (but contumacious Members) much lefs can any Part of Convocation affume fuch Authority. And fo in all Refpects, if the Archbishop was de-priv'd of any *one* customary Right, or limited in the Exercife of any *other* ; the Loss and the Restriction were in favour of the King's Supremacy Alone : The Lower Clergy were ftill in as much Subjection to their Spiritual Governors, only as they were Both under greater Submission to the King. And therefore the Law and Cuftom of Convocations continued juft the fame, except

except where it was altered by Restoring and Uniting the Sovereign Power to the Imperial Crown of this Realm. Whatever Rights and Liberties were consistent with the Regal Supremacy, and not abated by the Submission Act; those were still inherent in the President and Two Houses of Convocation, jointly or separately, according to their former Constitution. If the Prelates had before fram'd an Upper-House, as a Standing Council to their Metropolitan, with Right of Suffrage, and of Judicature in special Causes: They had still the same Rights, and were left to enjoy the full exercise of them. So the Inferior Clergy had a continued Title to their antecedent Rights, of a Personal Citation as Dignitaries; Of Election as Proctors; Of the Choice of a Prolocutor; Of observing any stated Rules of their House; Of Petitioning, Debating, Reporting, Assenting, Denying, and all other Powers and Privileges before belonging to them; in the same Subordination to their *President*, but in greater Subjection to the *King*. So likewise the Archbishop by the Act of Submission was not divested of any Powers, but what were directly transferr'd to the King, and thought necessary to establish the Royal Supremacy. But where that Supremacy did not interfere, the Archbishop in each Province had the same Ecclesiastical Rights, of Executing the King's Summons in convening his Provincial Clergy; of Presiding over the Two Houses when Assembled; Of calling up the Prolocutor and his Fellow-Members; Of giving Leave for Absence, and Orders for Attendance; Of Continuing and Proroguing the Times of Sitting

and

and Meeting ; of Admonishing, Sentencing, Absolving, and doing all other Acts of Jurisdiction, that are necessary to guide and govern the Ecclesiastical *Body* of his Province, whereof under the King He was the *Head*.

What puts the Matter out of all Dispute : If the Reformed Archbishops under the King, were to have had less power in Provincial Convocations (except in occasionally convening and finally dissolving) than their Predecessors had under the Pope's of *Rome*. This would have soon appear'd in the subsequent Instruments and Acts. The Form of Writs, and the Manner of Proceedings, would have varied with the Change of Constitution. But if the Stile of Mandates, Citations, Monitions, and the whole Frame and Order of Proceedings continued just the same *after* the Reformation, as they had been *before* ; this must be Evidence, that there was the same Authority to support the same Methods, and that the Reformed Metropolitan was as much a President, in the Provincial Assemblies of his Clergy, as the Popish Legat Born.

1. If the Kings of *England* did not before call a Convocation, without the Archbishop's Name and Authority, convey'd by his own Mandate to be communicated to every Bishop of his Province : The same deference to the Archbishop was still solemnly paid, and He was to execute the King's Writ in the same Form by the same Hands.

2. If the Convocation could not *open*, without the Archbishop in Person (or his Commissioners to represent Him) before whom all Members were cited and did appear, as by his
immediate

Bishop of
London.
Bishop of
Winton.
Bishop of
Lincoln.

Forma
Convoca-
tionis cele-
brandæ
1562.

immediate Authority ; and by vertue of his
Mandate, of which a due Certificate must be
made of the Execution of it, by the proper
Dean, or Subdean, or Chancellor of the Province:
The same Course was still taken, and the
Form of holding a Convocation continued, as
it used to be observ'd of Old.—*Prout ab*
ANTIQUO observari consuevit.—*Sciendum*
est quod Omnes qui autoritate Reverendissimi Do-
mini Arch. Cant. citantur ad comparend' coram
EO—*atque præstolari ADVENTUM dicti*
Reverendissimi.

3. If after a solemn Procession the High
Mass was perform'd by the Archbishop Him-
self, as at the Head of his Province ; and a
Speech or Sermon in Latin commonly delivered
in the Quire, by a Prelate or Inferior Clergyman
of the AB's own Appointment at Discretion:
The Case was still the same, with allowance
to the Rules of our Happy Reformation. *Qui*
ex more—*solet cum celebri comitatu apud Por-*
tum Thamisis vocatum Paul's Wharf in terram
descendere atque exinde præeuntibus Advocatis &
Procuratoribus, &c.—*Postquam in stallo De-*
cani collocatus fuerit, ac preces dixerit, &c.—*So-*
let Doctus aliquis ex cœtu Convocationis sive Supe-
rioris sive Inferioris Domus, e Suggestu in me-
dio Chori Concionem ad Clerum, &c.

Ib. Forma
Convocat.

4. If the Absent-Members were accountable
to the Archbishop *only*, as disobeying his Au-
thority *alone* ; and could therefore be pro-
nounc'd contumacious by None but the Arch-
bishop, to whom the Penalties of such Contu-
macy were intirely reserv'd. The most Re-
verend had still the same Power, and the Mem-
bers

ers had still the same liberty of being exempted from all cognisance, but *that* of their Metropolitan. — *Certificatorio perlecto, statim porrigitur eidem Reverendissimo Scheda descripta, per quam pronunciat omnes ad eisdem diem horam & locum non comparentes contumaces reservando poenam eorum contumaciae in aliquem diem competentem pro Beneplacito ipsius Reverendissimi, &c.* Ib. Forma Convocat.

5. If when these and other Preliminaries were over, the Prelates and Clergy did not assume the *Name*, nor pretend to the *Acts* of a Synod, or of a Provincial Convocation; till the Archbishop had put them in a capacity of doing Business, by Expounding to them the cause of their present Assembly, and directing them to the due measures of Debating and Proceeding: The Reformed Bishops and Clergy of the Province paid still the same Duty to their Metropolitan, and waited for the same Instructions from Him. — *Pramissis sic expeditis, Dictus Reverendissimus ad Episcopos & Clerum tunc praesentes Anglice sive Latine causam sui Adventus ac dictae Convocationis inchoata exponit.* Forma Convocat.

6. If by Laudable and Ancient Ordination, the same Convocation was divided into Two Members, to wit an Upper and a Lower House; and to avoid confusion in that *Lower House*, some one Learn'd and Elegant Member was to be chosen at the Monition and Advice of the Most Reverend, to be as it were the *Mouth* and *Organ* of all the Rest, to relate the Sense of the House to the said Archbishop, whenever he should be ask'd or sent for; Who from this Office was call'd their *Referendary* or *Prolocutor*; who when Elected was with due solemnity to be

be presented to the Archbishop on a day appointed by Him; And his Grace was expressly to confirm and approve the Election: All these *Rites* of admonishing, withdrawing, electing, presenting, confirming, appearing, and relating, were exactly the same at and after the Reformation. *Et quoniam si in rerum tractandarum serie unusquisque ex inferiori domo suam ipse sententiam quoties visum esset diceret, aut si omnes aut plures simul loquerentur, pareret confusionem, igitur semper hactenus observatum fuit, ut unus aliquis Doctus & Disertus, &c.*

Forma
Convocat.

Convocat.
1640.
all Journals of the
Upper
House.

7. If the Archbishop in the Upper-House was said to be *pro Tribunali sedens*, and therefore pronounc'd Sentence judicially with his own Mouth, and had all the other Characters of Supreme Judge in that his Highest Ecclesiastical Court: The same Title and Authority were still ascrib'd to Him, and asserted by Him.

8. If the Archbishops had used their own Archiepiscopal Seal to Authorize and Ratify any Act of the whole Body: It was so still; and the very Forms of granting Subsidy or Benevolence (which most concern'd the Lower Clergy) were wrote in Parchment, and seal'd with the Seal of the most Reverend Father.

Convocat.
1562.
Feb. 24.
&c.

— *Sigillo dicti Reverendissimi Patris Sigillata, &c.*

9. If the Archbishop had a standing Right to command the Attendance either of the Prolocutor Alone, or the Prolocutor and his Assessors, or the whole Lower House, as he thought expedient: He now constantly used the same Power at his own Discretion; and sent either for the Prolocutor by himself, as *Convocat. 1586. Sess. 6, 7. Convocat. 1588. Sess. 2. &c.* or for the Prolocutor and his Joint-Assessors, as *Convocat. 1588. Sess. 4. or for the whole House together, as Convocat. 1586. Sess. 6, 14. &c.*

10. H

10. If it was thought a decency for the Archbishops to suffer no Messages to be brought from the Lower House, but by the Prolocutor Himself Alone or commonly Attended: The same decent Practice was kept up, and no Returns from the Lower House admitted but *by or with* the Prolocutor. The first Attempt to the contrary seems to have been in the *Convocation*, 1689. when for Two or Three Sessions, there hapned to be some Messages sent up without the Prolocutor: But the President and their Lordships were soon sensible of that irregular Innovation, and a Committee was appointed to enquire into it; who made a Report that condemn'd and reform'd that Irregularity; as appears at large in the Journal of the Upper House, Anno 1689. Dec. 9. Sess. ix. — *Reverendus Pater Praeses — cum consensu Confratrum suorum Episcoporum Schedulam predictam legit, & dicto Decano Ecclesiae Christi Oxon tradi fecit, & tunc etiam declaravit, quod apparet per Recorda Domus superioris Convocationis, quod quoties & quando aliquid fuit per dictam domum Inferiorem Superiori Domo Convocationis propositum, Prolocutor semper comparuit in propria sua Persona, Aliis dictae Domus secum comitantibus.* — After which honourable Vindication of Right, the Prolocutor came up constantly to the Upper House, and without Him no Messages were attempted to be delivered.

11. If no Member could depart from the Lower House, or be absent, without leave first obtained from the President, and was bound to appear again, and duly attend upon Citation from the Archbishop: the Canonical Obedience was to be *still* the same; and the Prolocu-

Forma Con-
vocat.

tor Himself was to warn his Fellow-Members of this their Duty of Submission.——*Ejusdem Prolocutoris est etiam monere omnes, ne discedant a civitate London absque licentia Reverendissimi.*

——And if the President found any neglect of this Duty, He reinforc'd it with stricter Admonition; and adjudg'd the continued Absence to be Contumacy; for which having reserv'd to Himself the Penalty, He pronounc'd it at his own pleasure. As *Richard* Archbishop of *Cant.* denounc'd the Censure of *Suspension* upon *Benjamin Haydon*, D. D. Dean of *Wells*, *Philip Bisse* D. D. Archdeacon of *Taunton*, and *William Hill*, D. D. One of the Proctors for the Diocese of *Bath and Wells*, by Mandatory Letters dated 21 *March* 1605.——*In pœnam contumaciarum suarum hujusmodi in recedendo a dicta Convocatione ante dissolutionem ejusdem sine licentia nostra in ea parte petita & obtenta.* Nor were they Absolv'd and Restor'd to the Exercise of their Function, without their Submission and Humble Request to the Archbishop, by his special Letters of Absolution; to *William Hill*, 11 *Apr.* 1606. to *Benj. Haydon* and *Phil. Bisse*, 28 *May* 1606.

Registr.
Bancroft.
f. 138.

Ib. Reg.
Bancroft.
f. 139.

12. If the Archbishop could give Admonition to either of the Houses, or any Member of them, under Canonical Penalties not to neglect or disobey any of his lawful Commands: His Right to the like Obedience was all along the same; and He could (suppose) admonish and require, That no Bishop or any One of the Clergy should give any Copies of, or discourse abroad concerning any Canon to be made, till finish'd and ratified by the King; under pain of Suspension to Any of the Clergy for Three Months, and of Synodical Admonition to any of

Convocat.
1. 1640.
Sess. 5.

of the Bishops. And if the Archbishop sent up for the whole Lower House, to admonish them of any particular Duty; upon a Return to their own House, the Prolocutor did exhort them to remember and to follow *Admonitionem dicti Reverendissimi Patris.*

Convocat.
1586.
Sess. 6.

13. If the Archbishop by advice and consent of his Suffragans, was to judge of all controverted Elections; and to determine the Right of Sitting in the Lower House; because all Returns were to be made to *Him*; all Certificates of Right or Possession to be taken from *Him*; And all Defaults of not appearing, or withdrawing to be punish'd by *Him*. This customary practice was convey'd down with the Reformation; and Mr. *A.* himself did happen to transmit sufficient Authorities for it. The most Reverend gave his own Sentence, and the Prolocutor was thereupon acquainted with the Archbishop's Will or Judgment, which he intimated to the Members, and admonish'd them to receive and admit the Person, to whom the Archbishop had so adjudg'd the Right. As a Journal of Lower House, Convocat. 1586. Sess. 4. Nov. 11. — *Tunc Prolocutor certioratus de voluntate Reverendissimi per Redman Registrarium Reverendissimi quoad controversiam super Electione Clericorum Diocesis Norvic. viz. quod eodem Reverendissimus protulit Sententiam suam pro parte Magistri West. contra Mag. Thoroughgood, intimavit hæc omnibus presentibus, & monuit eos ad recipiendum Mag. West in cœtum ejus Domus.* But because the Archbishop in Convocation could do no judicial Act, without the Counsel and Consent of his Suffragans; therefore this Controverted Election had been

Rights,
Powers,
&c.
2 Edit. p.
657.

referr'd to their Examination and Decision :

As in Journal of Upper-house, *ib.* 1586. Sess. 6.
 Ib. p. 656. Nov. 9. Decided against Mr. Thoroughgood for
 Mr. West, in a Cause of Election to be Clerks of
 Convocation. If the Lower-House took the
 Depositions of Witnesses, or examin'd other
 Evidence of Fact or Local Custom ; it seems
 to have been by Deputation or Appointment
 of the President, to Prepare and Report the
 Cause, for a decisive Judgment in the Upper-
 House ; as in the same Journal of the Lower-

Ib. p. 656. House, Sess. 3. Nov. 9. A Question about Electi-
 on to be Procurator Cleri between Dr. Day and
 Mr. Knewstubs, Prolocutor swears Witnesses about
 the Custom of the Election, &c. And therefore
 Complaints and Petitions for Redress, upon
 any Grievance of false or disputable Returns
 were offered to the Archbishop, which he sig-
 nified to the Lower-House, and requir'd them
 to examine and determine such Differences
 till it should be otherwise (by the Archbishop
 and Bishops) ordain'd ; As in the second Con-
 vocation of 1640. Sess. 3. The Prolocutor and
 other Members being sent for to the Up-
 per-House, ——— Reverendissimus eis significavit,
 quod ipse audivit esse quasdam discrepantias
 inter quosdam Clericos circa eorum electiones
 & voluit eos ut Ipsi & Alii dicta Domestici
 easdem examinarent & determinarent, juxta
 exigentiam, & consuetudines cujuslibet Diocesis
 donec aliter ordinatum fuerit. And so all Remo-
 strances of Injury and all Appeals for Right were
 made to the Archbishop, or at least in vacancy
 of the See of Cant. to the Reverend the Pre-
 sident, and other Prelates ; as in 1689. Dr. John
 Cawley against Mr. Oldish, address'd himself to
 the Upper-House, & humiliter petiit sibi jus
 justitiam fieri.

14. In short, If the Archbishop presiding in his Provincial Convocation, could demand the Opinion of the Lower Clergy to be in some Cases immediately given in the *Upper House* : And could at other times enjoin them to return to their *own House*, and deliberate of the Matters propos'd by Him ; and could assign them a *Day* to bring in their Answers ; and at their Request could allow them still a *longer* time to draw up and present their Resolutions to Him.

If He could make Many particular Appointments as to Things and Persons, in prescribing *Books* of Subsidy, *Forms* of Prayer, and other *Ordinations* ; and committing the Draught and Revival of them to this or that Member, before they had the approbation of the whole House.

If He could upon *Canonical Obedience* command every Member of Both Houses joyntly and singly to Subscribe all *Canons* and *Constitutions* made by the Synod. If there were no Method of Communication between the Clergy so Assembled, and the *King* or *Parliament*, but by the Mouth of the *Archbishop*, who delivered the Articles of Grievance, the Petitions of Redress ; and even presented the Grants of Aid and Benevolence, and brought back the King's Acceptance and Thanks to the Clergy for them. And more especially as to Adjusting the *Time* and *Place* of Meeting, of Recess, and of Re-assembling: If these Circumstances were intirely at the *Archbishop's* disposal ; and He did by the same Acts continue or prorogue the whole Body, by pronouncing his Will before the Prolocutor and Clergy present

sent with the Prelates, or by sending Intimation to them in their Lower-House ; which *Intimating* (in the constant use of the Word) did not recommend a thing to be done, but did notify a thing already done.

If the Archbishop could prorogue them to an Hour, with exception to *that Hour*, in case the Parliament should be Sitting at that very Juncture : If He could call them together before the *Day* to which they had been prorogu'd, by due notice given to them ; and *before* or *upon* any day affix'd for Meeting, could again prorogue them to a farther Time. If the Archbishops before the Reformation, had these and other complete Powers over the Assemblies of their Clergy, (how concurrent soever the Provincial Convocations were to the National Parliaments) *then* had the Reformed Archbishops the same Rights and Powers over their Provincial Synods and Convocations ; *i. e.* excepting so far as they had submitted to the King ; by which Act of Submission, *All* their abatement of Authority did accrue to the Crown, *None* at all to the Inferior Clergy.

I have insisted the rather upon this Argument, because some Persons have had a Notion, that our *Reformation* opened a perfect *New* Scene of Convocations : And therefore before that Period, they will allow no Precedent of Right or Usage : Whereas in Truth, (excepting the Submission of the Clergy, while yet a *Popish* Clergy) there was no more change in the Constitution of Provincial Convocations, than there was in *that* of National Parliaments : In *Both* which, continued *Custom* had been and was to be the *Chief Law*. And therefore under

der all the Changes of Religion under *Hen. 8. Edw. 6. Q. Mary*, and *Q. Elizabeth*, though the Acts indeed of Convocation were very *different*; yet their Institutions and Orders, their Rites and common Methods of Proceeding were all the *same*; with the same deference of the Bishops and Clergy to their Metropolitan as President, except while *Henry VIII.* by some violence of Supremacy appointed a *Vicar General*.

Not that there is any need of Reference to the remote Times of *Popery*, to assert the Pre-eminence of our later Primates in their Provincial Convocations. No! Our *Protestant* Archbishops have all along quietly enjoy'd the same Right with their Predecessors, unaffected by any restraint but that of *Royal Supremacy*. And therefore to prove all the Powers and Authorities before-mention'd, we have a continued course of Precedents in our *Registers* and *Journals* since the *Reformation*; which when fairly produc'd to the World, will so abundantly confirm this Matter, that plain honest Readers must admire there should be ever made an unhappy Question of it.

But I had rather now observe and bless the particular Providence of God, in preserving the Union and right understanding of the Archbishop Bishops and Clergy of each Province, upon all occasions of their Publick Assemblies.

In the Times of *Popery*, the Inferior Clergy had some particular Pretences and Advantages to oppose their Archbishop. They could have excepted against their being Summon'd by virtue of the King's Letters, and claim'd their

Subjection to no Authority but what was purely *Spiritual*. They could have much question'd the Archbishop's Jurisdiction, when there was often another extraordinary *Legat* of the *Roman* See, within the Province, or at least within the Nation. They could have taken opportunities of pressing hard upon the *Archbishop*, at some especial Junctures, when He was out of favour with the Pope, or with the King ; and could have had recourse to such offended Powers to support 'em, and assist 'em in any such Attempts of Opposition. And then too, being generally employ'd in giving Aid and Contribution to the *King*, and often to the *Archbishop* Himself, they could have persisted in *Denials*, or condition'd their *Grants* in such manner, as might have extorted new *Privileges*, if they had thought it their Interest to endeavour for 'em. Besides, the *Religious* could have pleaded many Papal Exemptions, and even the *Seculars* could have resisted and appeal'd either to the *Roman* Court, or to a *General* Council ; and during such Appeal depending, could have evaded the Archbishop's Monitions and Censures of 'em. And yet it pleas'd God, that none of these Temptations could prevail to disturb the Peace of Synods or Convocations. We read of no Claims of the Lower Clergy to greater and unwonted Privileges ; nor of any contempt of their Metropolitan's Authority ; but they shew'd the Duty and the Wisdom of Brotherly Love, and Canonical Subjection.

So likewise *since* the Reformation, there have been some peculiar *Seasons* of Advantage when the Lower Clergy could have more easily broke in upon the Archbishop's Superiority in Convocation.

vocation. While the *Regal* Supremacy was indeed too High in the Administration of Church Affairs : While an *Injunction* had in Fact more force than a *Canon* : While Ecclesiastical Commissioners were above the Two Houses of Convocation : While the Lower House did consist of many Puritanical and *Genevian* Members, who would have fell in upon any division against the Archbishop and Prelates : While some potent *Lay-Favourites* could have protected and encourag'd the Inferior Clergy in contending with their Governors : While the offers of *extraordinary Aids* and *Benevolence* could have created such an Interest at Court, as should have made their Pretensions more plausible, and perhaps more effectual : While *some* of the *Archbishops* were under the weight of the Sovereign's Displeasure, or under a Sentence of Suspension and Incapacity : Or while *other* Prelates had incurr'd the Jealousy and almost the Odium of the common People, who under those unjust Resentments would have espous'd any Quarrel against the *Persons*, and the very Order of the Bishops. And yet it pleas'd God, that amidst these and other Dangers and Disadvantages, to which the Archbishops and their Suffragans were unhappily expos'd ; there was never any great Dissention, never any Separation, rais'd in our Reformed Synods and Convocations ; but Peace and Unity and perfect Correspondence, to the great Benefit of the *Protestant Religion*, and to the eternal Reputation of our *English Clergy*.

If any Disputes of Power and Privilege had unhappily arose, I presume no one *Archbishop* would have insisted upon divesting the Clergy of

of their Ancient Rights, or have assum'd more Authority over his Brethren, than his Predecessors had enjoy'd : No *Bishops* would have justify'd any Arbitrary and Illegal Pretensions of the Metropolitan : No *Presbyters* would have betray'd their own Order, or given up their Church's Constitution. But only, the *Archbishops* would have pleaded the Ancient Rights and Pre-eminences of their See, and urg'd their Obligation in Conscience, and in Honour to defend them : The *Prelates* would have considered the Laws and Customs of the Church, and would have own'd it their Duty to oppose any Innovations : The *Presbyters* would have shewn their humble Deportment to the Archbishop and Bishops, in avoiding all unnecessary Challenges of independent Power ; and above all in accepting all reasonable offers of Accommodation. For what could the Clergy have gain'd by any Feuds and Animosities among themselves ! What, but to expose their Order and their Church to the Insults of their Adversaries on every side ?

Reflect, Sir, on the Revolutions of this Church and Nation. If the Torrent of Popery that broke in with Queen *Mary* had been at all owing to the Faction and Division of our Protestant Clergy in Convocations under *Edward VI.* Or if those other Floods of Confusion under *Charles I.* had been rais'd or encreas'd by any such unhappy Breaches in our Ecclesiastical Councils : How much must our Church and Clergy have then Answered for their own Ruins ? And what Comfort had it been, that their Destruction was from themselves ? But in both those junctures of Misery, they had a Con-

Conscience pure from this Offence : And *this* might move Almighty God the sooner to redeem 'em from the deplorable effects of Heresy and Schism ; and twice to re-establish that Best of Churches, which it is our utmost Duty to support : Pray we God to preserve it, to Us and our Posterity !

You mention, Sir, another *Complaint*, that I have made the Execution of the Premunitory Clause upon the Clergy to depend upon some due Return of it to the King. I did so, before I knew the *Clause* would be seemingly executed, and yet the *Return* omitted. I did say, *Let Eccles. Synods. p.* Mr. A. and I believe the Lawyers, that the Execution of Parliamentary Writs does depend upon the ²⁹⁴ due Return of them : The Writ is not legally executed, till the Return is made of it.—If then the Bishop would execute the *Pramunientes* upon the Clergy, to make his Execution full and legal, he must transmit his Return into some proper Office ; and if any Dispute arise, that Return entred upon Record can be the only Test of a Regular Execution. I must be alway of this Opinion, till any Authorities of Fact or Law convince me to the contrary. I do think, when the Inferior Clergy were by the *Pramunientes* first call'd to Parliament 23 E. 1. 1295. there was the same Return made of the Clergy-Proctors by the Bishop of each Diocese ; as of the Lay-Representatives by the Sheriff of each County. The Spiritual and Temporal Commonalty had then so nearly the same *Respect*, that they had the same Name : For the Knights and Citizens were then call'd *Procuratores*, as well as the Clergy ; and both their Instruments of Delegation were then equally stil'd *Procuratoria*. Nor was the *Pramunientes*

Ib. p. 295.
Ib. p. 382.

See D. Brady of Burghs, p. 66.

See Brady ib. p. 68.

nientes any Ecclesiastical Word, or appropriated to Summoning the Clergy ; but it was sometimes applied to a like Parliamentary Call of the Laity, and to any other Just and Lawful Citation from the Civil Power ; as in the same year 23 Ed. 1. The Sheriff of Westmorland, certifies the King, that the Knights chose for that County, could not appear (so soon at least) in Parliament.—*Ad diem in Brevi contentum*

E. Bundello
Brevium
penes Re-
mem. The-
saur. 23
E. 1.

non possunt venire, quia Omnes inter quindecim & sexaginta annos tam Milites libere tenentes quam Pedites PRÆMUNITI sunt quod sint coram Dominis Dunelm Episcopo & I. Com. Warren & eorum locum tenentibus apud pontem de Arnot die veneris prox. ante Festum Sancti Andreæ Apostoli, &c. The Author of Rights, &c. of Convocation, has himself run the Parallel between the Lower Clergy and Laity call'd to Parliament, 1 Ed. p. 40. Not only their Numbers in some measure proportionable, but the Powers also with which they came originally the very same.—And the Procuratoria which were fram'd upon those Writs for the Lower Clergy, answering almost in terms the Returns that were made for the Laity, &c.

No doubt, by Original Call of the Lower Clergy, they were design'd to answer the same Ends, and to enjoy the same Rights in Parliament, as the Lay Commons : And if by a contented Submission to the Royal Summons, and a chearful Assistance of the King and Kingdom's Necessities, they had been Easy and Dutiful in their Parliamentary Relation, they might by degrees have rose up to most or all of those Privileges, which were wisely obtain'd by the Lay Commons. But indeed the Clergy

of that Age were so little fond of Parliamentary Rights, that they thought it an *Imposition* to be call'd to those Civil Councils of the Realm : And therefore by many steps of Reluctancy and Remonstrance, they disjoin'd themselves as far as possible from those National Assemblies of Clergy and Laity ; And fell into separate Provincial Assemblies of the Clergy Alone, clearly of another Nature from their late Meetings in Parliament.

But while the Lower Clergy were so incorporated into the Civil Councils of the Realm, the same Parliamentary Methods were observ'd in respect of sending up the *Clergy* as the *Laity* ; and the *One* were as duly return'd to the King as the *Other*. Upon the first Establishment of their Regular Call to Parliament, the Prior and Chapter of *Bath*, having been duly *premonish'd* by the Bishop, made their Return of Proctors directly to the King, as in two express Forms in the Register of that Church, first publish'd by Mr. *Prynne*. After which time, the Electing Clergy Seculars and Regulars, did take up and continue the practice of giving two several Procuratorial Instruments ; One directed to the *King* to satisfy their Obedience to his Summons ; the other in general to *All Men*, *Pateat Universis*, &c. to bind themselves, and express the Powers so committed to their Proxies. As the like custom was for the Spiritual Barons in Parliament, when upon great occasions of their absence, they transmitted One Instrument of Procuration directly to the King, *Excellentissimo Domino suo*, &c. to shew their Obligation of attending Him in Parliament : The *other* of like Import directed at large to All People

Parl. Writs.
Vol. 1.
p. 16.
See Eccles. Synods,
p. 382.

Memoranda
da Dal-
derby
Episc. Linc.
MS. Fol.
127.
Anno
1309. &c.

People, *Universis pateat per Prasentes, &c.* to notify and declare their being represented and concluded by such Persons. And tho' this Practice of Letters of Information directed to the King, might have been thought a sufficient Notice or Return of duly executing the Præmonitory Clause: Yet it seems highly probable, that beside these particular Letters to the King from the Parties represented; every Bishop made a General Return of all the Names of Prior or Dean, Archdeacons and Proctors of Capitular and Parochial Clergy in his whole Diocese. For it is certain, the Sheriffs did return the Names of Knights, Citizens, and Burgeses, chose within their *Bailiwick* or County, in a solemn Certificate to the King. As in the first Date of the proper *Præmunientes*,

Brevia
23 Ed. 1.
de Retorn.
Vice-com.
de Milit. &
Burgens.
pro Parlia-
mento penes
Remem.
Thesaur.

23 Ed. 1. We have the expresse Form of such a Return of Knights and Burgeses by Name, thus entitled by the Sheriff, *Com. Westmorland. Nomina Militum & Burgensium electorum in balliva mea.* So it is very likely, the Bishops did in such manner Return the Names of the Clergy call'd to Parliament within their Diocese: Of which if we can find no expresse Form now remaining upon Record; yet the very Form of the Bishops premonishing their Archdeacons to execute the Royal Summons, does sufficiently imply the same Custom.—*Et quid super hiis duxeritis faciendum Nos vel locum nostrum tenentes dictis die & loco vos Archidiaconi in forma debita & vos officiales per vestras patentes Literas harum seriem & mittendorum per vos Procuratorum NOMINA continentes.* For the Bishop (in this Act not at all accountable to the Archbishop) could have had no need of the Names of

Mandatum
Joh. Epi
Linc. dat.
6 Kal. Dec.
1304. in
ter Memo-
rand. Dal-
derby. Fol.
78.

of the Proctors, but only in order to certify those Names to the *King* : As they would not now Require the Names of the Members of Provincial Convocations, but as they are oblig'd to transmit such Account to the *Metropolitan*.

This indeed was the natural course of Writs and Mandates, founded on the Constitution of our Church and State ; that the Returns of Proxy to Parliament, were made directly to the *King*, because call'd by *Him* to appear before *Him* : But the Proxies to Provincial Synods, and to Provincial Convocations, were directed immediately to the *Archbishop*, because Summon'd in *His* Name, to appear in *His* Presence. For this same reason, while the *Præmunientes* was sent from the King to the Diocesans only of every See, without regard to the Archbishop of either Province ; as from 23 *Ed. 1.* to 5 *Ed. 2.* so long the Returns were made only to the King, as to the sole commanding Power. But when *Ed. II.* found the Diocesan Bishops (upon the Principles of Church-liberty) too remiss in obliging their Clergy to appear in Parliament ; and therefore thought fit to enjoin the two Archbishops to *præmonish* the Clergy of their respective Province as well as the Bishops to *præmonish* the Clergy of their several Dioceses, to appear (not yet in Two distinct Provincial Convocations, but) in one National Assembly of Parliament : Then the electing Bodies of the Clergy made two several Returns, *one* to the King, *before* whom they were in the same manner to appear ; the other to the Archbishop, *by whom* they had been likewise commanded to obey the King. As in 14 *Ed. II.* the Prior and Chapter of *Worcester* sent one Certificate of executing the *Præmunientes*

See Pryn.
Parl.
Writs Vol.
1. p. 116,
117, &c.

Dugdal.
Summon.
p. 78.
Pryn. Ani-
mad. on
Coke, p.
40.

Registr.
Prioris &
Capit. Wi-
gorn. ad
An. 1321.

munientes to the Archbishop of *Cant.* *Reverendissimo in Christo Patri, &c.* *Noverit vestra Paternitas, &c.* and another to the King, *Excellentissimo Principi.*——*Noverit Excellentia vestra, &c.*

Indeed the regular Election of Members to Parliament, did so much depend on the *Return* of those Members to the King; that if the King sent out his Precept for any occasional *Assistants* in Parliament, without design of making 'em continual *Members*; yet of such Election a Return in Writing was legally made to the King, as upon the Right Notion, that the Royal Summons could not otherwise appear to be obey'd. Thus in 28 *Ed. 1.* when the King had occasion to call a Parliament at *Lincoln* in the Octaves of *Hilary* 1300. upon the urgent Business of consulting about his Right to the Realm of *Scotland*: He sent his Precepts to the Two Universities of *Oxford* and *Cambridge*, to return a certain Number of their Learned *Masters* to appear in the said Parliament. Those Two venerable Bodies made their Two several Returns by Letters directed

Pryn. *Ani-*
mad. on
Coke, P.
373.

Excellentissimo Principi, &c. So that by the legal Constitution of our Government, no Elective Members were ever receiv'd into Parliament, nor esteem'd any Part of that National Council, unless their Election and Procuratorial Powers were certified in some due Form to the King.

And indeed the neglect and intermission of these Returns of the *Præmonish'd* Clergy were the great reason why they were by degrees cut off from the Body of the Nation in Parliament. For when they had been long complaining of
their

their Parliamentary attendance, and struggled by all ways and means for an exemption from it : And did at last obtain to have ther Provincial Convocations under their own Archbishop, to be accepted instead of their National Assemblies under the King, as settled into Practice soon after the beginning of *Ed. III.* From that time the Clergy began to drop their Regular Returns to Parliament upon the *Premunientes* Call ; and the King began to omit the Claim or Expectance of them, because his State Purposes of *Aid* were as well answered in the Provincial Convocations, as they had been or could ever be in the National Parliaments. And tho' the King still inserted the *Premunitory Clause* in Summoning the Bishops, to preserve his Right of calling the whole Body of the Clergy ; and upon occasion to reinforce their attendance in Parliament, if they should fail to obey his Summons, and serve his Necessities, in Convocation : Yet the customary Returns of Proctors to Parliament were soon growing out of use, till by later degrees they were finally omitted. And while so omitted, all other cautious Entries of Election and Procuration were but empty and insignificant Forms, and could never authorize the Lower Clergy to act in their Old Parliamentary Capacity.

These *Returns*, I say, were gradually interrupted long before they were totally omitted : And for this reason the Lower Clergy were found *present* in some following Parliaments, and as certainly *absent* in some Others. And whenever they were present, it seems that some due Returns were made of their Appearance. If we credit the *Formulary* of calling the Clergy.

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of

Reg. Arundel.
del. Pars 1.
fol. ult.

Registr.
Sampson
Episc. Ci-
cestr. fol.
10.

of England to Parliament entred in the First Part of the Register of Archbishop *Arundel*: We are told, there were two Procuratorial Instruments to the respective Proctors of the Clergy, one of which they were themselves to keep, the other to be delivered to the Clerk of the Parliament to be Inrolled by Him. There be many other Proofs and Suggestions of the like Nature. And even as low as the latter end of *Hen. 8.* if any Bishop thought it most safe under a severe Prince to execute the Letter of the *Præmunientes Clause*, He thought it likewise proper to certify the King's Highness of his said Execution. So *Richard* Bishop of *Chichester* in the year 1539. made a solemn Return directed To the most Excellent Prince. — We have with all Reverence receiv'd your Brief and Mandate for coming to your Parliament — by vertue and authority whereof, we have caus'd to be *Præmonish'd* according to the Tenor of it, the Dean and Chapter of our Cathedral Church, the Archdeacons and all the Clergy of our Diocese, that they and every of them appear in Parliament at the said Time and Place, &c. So that whenever any Bishops shall think fit to renew the execution of the *Præmunitory Clause*, they must likewise re-assume the method of making some Return upon their Execution; or else I presume the Clause is not in Law Executed; nor have the Persons in Law any Title to be Members of, or so much as *Attendants* upon, the Parliament.

I hear, it has been made an Argument in the Mouths of some People, that the Sheriff of the County was indeed oblig'd to Return the Knights, Citizens and Burgesses, by vertue of

express

express Injunction in the King's Precept to Him, *Et habeas ibi hoc Breve*, or more anciently, *Et habeas ibi Nomina Militum & hoc Breve*. Whereas there being no such Order in the King's Writ to the Bishop, He did not lie under the same Obligation with the Sheriff, to Certify or Return his Execution of the King's Command. But I doubt this is an Objection that will not bear to be put in Writing. The *Habeas ibi hoc Breve* in the Mandate to the Sheriff, was only to enforce the Return of the Writ into Parliament, where He himself was not requir'd to appear in Person: Whereas the Bishops being by the same Precept requir'd to pay their *Personal Attendance*, as well as to *præsen*se their Clergy; there was no need to order them to transmit the King's Writ, which they were sure to bring along with them. Otherwise the ordinary Clause in the Letters to each Bishop, *Et hoc nullo modo omittatis*, did effectually bind the Bishop to satisfy the King, that he was guilty of no *Omission* in this matter, as the *habeas ibi hoc Breve* did oblige the Sheriff. And continued Practice (which is the best Interpretation of the Sense of all Writs) has abundantly shew, that while the Inferior Clergy were truly in Parliament, they were requir'd or certified so to be, as well as the Inferior Laity.

True, (as before intimated) when the Appearance of the Clergy in Provincial Convocations was accepted as equivalent to their appearing in Parliament; because the same Civil Courts of assisting the King were answered in *one* as well as in the *other*. From that time (about the middle of *Edw. III.*) the Bishops were sensible,

Dugdall.

Summon.

P. 7. 5. E.

1. ib. 49.

H. 3.

that tho' the *Præmonitory Clause* was still inserted in their Summons, yet the Government did not require nor expect any strict and regular execution of it : And therefore their Lordships might now intermit the Returns, or sometimes formally make 'em, at their own discretion. Hence, for fear of advantage to be taken against them for default of Ancient Usage, they did now and then in an unequal manner execute the *Præmonitory Clause*, and certify their execution of it. But to please the high Papal Clergy, and to assert the Churches independence on the State, they did frequently omit the very *Præmonishing*, and at least the *Returning*, all along from the middle of *Edw. III.* to the Reformation : And thence more especially to the present time.

And during all these Reigns, while our Kings receded from their Will and Pleasure of strictly demanding the Lower Clergy's Appearance in Parliament ; and were content with the Equivalent of being assisted by them in Provincial Convocations : So long a distinction was plainly observ'd between the *Principal Writ* of Summons to the Bishop, and the *Concomitant Clause* of warning the Clergy. The *Principal Writ* requiring the Bishop's own Appearance was Mandatory, and was to be punctually obey'd ; but the *Concomitant Clause* was no longer intended or interpreted to have the force of a *Precept*, or literally to oblige in Law or Conscience : But it was either of the Nature of a *Permission* to the Bishops, that they might at discretion bring their Clergy as of old to Parliament ; or rather of a *Reserve* or *Salvo Jure* to the King, that he might reinforce their Personal

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Attendance, whenever the Necessities of the Publick should so require.

And therefore whatever hasty Notions may for some design or other be advanc'd; yet All Men that read our Histories, and understand our Constitution will soon admire, that when for so many Ages our Kings of *England* have accepted of their Clergy in Provincial Conventions instead of their Clergy, as before, in National Parliaments: That when no one Prince has challeng'd the Right of having the Præmunitory Clause perpetually obey'd: That when no one Parliament has ever resolv'd, that the Lower Clergy are a necessary Part of 'em, or so much as a bounden Attendant on them: That when no one Bishop has been ever accus'd for not constantly bringing up his *Præmonish'd* Clergy with Him: That when none of the Inferior Clergy have ever remonstrated or in the least complain'd, that they were not duly præmonish'd, return'd, and admitted to Parliament: When no Lawyers ever pleaded a Breach of Constitution, that the Lower Clergy were excluded or had absented from these Great Councils of the Realm: That after this Silence and Universal Consent of All Parties concern'd, there should at last arise a private Man, who (without any Intimations from the King in Council, or any Resolutions in either House of Parliament, or any Opinion of the Learned Judges) should of his own Sense request, or rather enjoin, *My Lords the Bishops,* *Rights, &c. of Convo- cat. 2 Edit. p. 670.* *to command the strict Execution of their Parliamentary Summons on the Lower Orders of the Clergy:* And do this with a pure imposing on their Lordships and the Clergy, i. e. to execute a Writ, without any *Return* of its Execution.

Nay, and to insist upon the Call of the Clergy to Parliament, when the only remaining Reason of their Call, that of assisting the King and Kingdom's Necessities, has lately ceas'd. I say Men of Reading and Understanding will admire, what such a warm Proposal means: And tho' to serve a Purpose, it may be some little time commended, and somewhat longer excus'd; yet it will on second Thoughts be discovered to be a new and dangerous *Project*, that has no History nor Policy to support it; that would but divide the Church, and disturb the State, and put our whole Constitution out of Order.

You have but one more Objection to propose, and that indeed so very material, that I ought to give you some Satisfaction in it. The Lower Clergy in Convocation, you say, are still the Lower Clergy in Parliament; and therefore must have the Privileges to act as a Parliamentary Meeting, and not only as an Ecclesiastical Synod. And this, you say, I my self have granted, p. 306, 307. *There is no one Privilege or pretence of Privilege, that our Clergy shall have or ought to have, if they are return'd by the Premunientes Clause, any more than if they are return'd only by the Provincial Writ: Unless they would exert the interrupted Privilege of giving their own Money, and that I leave to their own discretion, and to the Wisdom of the Temporal Commons. But as to any other Rights or Powers whatsoever, I humbly conceive 'em to be the same Convocation, as they would be in Parliament.* What I here affirm'd was true, and proper to the occasion of it. It had been suggested as a plausible thing, that if the Members of Convocation

on

on the Provincial Writ, should in a *double Return* be made Members of *Parliament* by the *Præmunientes Clause*: This would enlarge the Privileges of the Clergy, and much advance their Powers. To this I answered, *That if Mr. A. could have offered any one reason, that had a colour of Interest to the Clergy or the Church, I should readily submit to it.* But in my apprehension, there was no one expedient Privilege of Parliament, but what the Clergy had sufficiently enjoy'd in Convocation. I did not indeed think it any Church-Power or Privilege, for the Lower Clergy to be more separated from the Prelates; or to be less subject to the Conduct of their Metropolitan. Those moderate and most beneficial Powers which I meant, I expressly summ'd up, and conceiv'd them All the same in *Convocation*, as they would have been in *Parliament*. For would the *Parliamentary Proctors of the Clergy, or other Dignitaries in the same Respect, have a Right to present their Petitions and Motions to the King and the Two Houses?* They have as much Right and Liberty in *Convocation*. Would the *Præmonish'd Clergy have the Parliamentary Privileges of Protection and Liberty to themselves and their Servants?* They have as much when call'd by the King's *Provincial Writ to Convocation*. Would the Clergy by Execution of the *Præmonitory Clause* have the Right to be *Summon'd and Prorogu'd, and dissolv'd with the whole Body of Parliament?* The Clergy in their *Provincial Convocations, concurrent with a Parliament, have the same Usages, and equal Right to them.* What is it we shall gain by the *double Return, that we enjoy not by the single Provincial Writ?* I made a sort of Exception

Ib.p. 307.

to the interrupted Privilege of giving their own Money; because this Right of Property was the Original Call and the distinguishing Power of the Clergy in Parliament, and in relation to Parliament: Yet when the Provincial Convocations exerted this *Power* as effectually as the Parliament Meetings of the Clergy had before done; then it was a Parliamentary Power devolv'd upon the Two Provincial Convocations; and continually enjoy'd by them, when they were in other respects cut off from the National Council in Parliament. And therefore I did not except this Privilege as inconsistent with a Convocation, in which it resided for many Ages. And if ever the Clergy of *England* should think it proper and feasible to re-assume the Right, they might exercise it in *Convocations*, as legally as they could in Parliament. For it is well known, they receded from the exercise of this Right in a solemn Convocation; and the Proviso made by the Legislative Power was not to preclude or prejudice the Clergy in such ancient Rights and Customs: **Provided** always that nothing herein contained shall be drawn into Example to the prejudice of the ancient Rights belonging unto the Lords Spiritual and Temporal, or Clergy of this Realm.

1664.

Stat. 16,
17. Car.
2. Cap. 1.

And to be plain, If any Person had been sincere in challenging the Parliamentary Rights of the Clergy in *Convocation*: He should have began with the Fundamental Right of giving their own Money. If he could have obtain'd the Resumption of this Power, He might have been content with waiting for some consequences of it. But to plead for turning the

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Convocation into a Parliamentary Body of Men, and yet not dare to mention their first and last Parliamentary Right, that of Taxing themselves : This was a little Artificial, if it was no worse. There may be, what is call'd Policy, in suppressing the result of some Principles ; but the Honesty is to be plain and open. Can any one imagine, that the Honourable *House of Commons* does not understand the Meaning of what is not yet express'd ? Do we believe that any Statesman will encourage the Lower Clergy to have a Parliamentary Relation in respect of their own Archbishop and Bishops, but not in respect of the King, Lords, or Commons ? Shall they have enough of a *Parliament* to dissolve the nature of a *Convocation* or a *Synod*, and yet not enough to be the least Part of the Great Council of the Nation ?

Our Author indeed has modestly said, That *Rights, &c.* it was fit our Constitution should be altered, and that of *Convoc.* the Parliamentary Interest of the Lower Clergy P. 351. should be reduc'd (as it is) to Matters Ecclesiastical, and such things as concern either Religion, or their Order. But beside the hard Expression of its being fit that our English Constitution should be altered ; and beside, that no one Clergyman has Power to renounce any ancient Rights of his whole Order : This bold Declaration is indeed upon a Supposition purely false. For no Interest can be reduc'd to what it was not ; And I am confident, the Parliamentary Interest of the Clergy never was employ'd in Matters Ecclesiastical, nor in such things as directly concern'd Religion ; but in Matters Civil, or such things as concern'd their own Property, and the

the Peace and Safety of the King and Kingdom. I can only now intimate what shall be abundantly prov'd, That the Clergy in Parliament from 23 *E. 1.* to middle of *E. 3.* (nor before nor after) ever fram'd any Canon, or condemn'd any Doctrine, or censur'd any Heretick, or acted any other way as Spiritual Judges. Nay, and when Provincial Convocations about the middle of *Ed. 3.* call'd by the King's Writ to be executed by the Archbishop's Mandate, were accepted by the Crown as correspondent and equivalent to the Parliamentary Meetings of the Clergy : Even in those *Convocations* the Pure Matters of Religion were not for a long time transacted ; but the Secular Business of giving Taxes, and redressing Grievances only ; unless upon urgent Occasions, when the Archbishop resolv'd the State Convocation into a proper Ecclesiastical Synod. And therefore it is a singular Argument, to create an Interest, and then call it *reducing* of it, as if a Power could be *restor'd*, which never had a *Being*.

The design was plainly this ; To have the Clergy in a *Lower House*, not so depending on their Archbishop, nor so inferior to the Suffragan Bishops, as they were and must be in Synods and Provincial Convocations : And therefore to make 'em bear a *Parliamentary* Relation, for a Title to such peculiar Privileges, as might make them the more distinguish'd and considerable Representatives of the Church, and set them in some measure upon a Level with the Temporal Commons. This may some time or other be attempted for a Project, but it will never succeed, while the Constitution

stitution of Church and State is capable and worthy to be preserv'd.

I may say, it was never till of late pretended, that a Lower House of Convocation may have several Rights as a Parliamentary Body, which they could not have as a Synodical Assembly. A *new* Notion, that may for that reason please a while, and might possibly be encourag'd so far, as to lessen the Authority of our Ecclesiastical Governors ; but when it shall extend it self where by degrees it would proceed, the Wisdom of the Nation will oppose it, and not let the Laws of *England*, and the Constitution of Parliaments be chang'd.

How are the Clergy in Convocation a Part of Parliament ? As Summon'd only by the Provincial Writ from the King to the Archbishop ? Or as return'd likewise by the *Præmunientes* from the King to every Bishop ? Not by the Provincial Writ alone by the very Principles and Practice of some Men : For they would not have so warmly contended for executing the Præmonitory Clause, if they had thought of an Ecclesiastical *Parliament* without it.

If by virtue of the *Præmunientes Clause* ; then are they no Parliamentary Assembly, till that Clause has been *regularly* executed ; Nor is the Execution *regular*, till due Returns have been made to the Crown. Nor is it sufficient, that a *Part* of them have been so return'd, unless the whole *Body* be uniform ; *Some* Members præmonish'd to Parliament, and *Others* summon'd only to a Provincial Convocation, could not act by the *same* Rules and Measures. And then perhaps some Members might be admitted into the *Convocational House*, that would have no
Title

Title to the *Parliamentary* Meeting ; as Dean of *Windsor*, Archdeacon of *Westminster*, Chapter of *Wolverhampton*. And then again, all the other Members, if singly præmonish'd to Parliament, could not in that capacity meet at *Paul's*, nor be at all determin'd by the Archbishop to any Time or Place different from the Letter of the Parliamentary Writ. Nor in this capacity could they treat of Religion, or the Doctrine and Discipline of the Church, to which they are no way commission'd or directed by the Writ ; but they should confine themselves to the difficult and urgent Affairs of the King and Kingdom, and to the external Peace of the Church depending on the Safety of the State. Nor should they treat of any Secular Business of Liberty and Property, as one Provincial Part of the Clergy of *England*, but they should take in their Brethren of the other Province, and be a *National* Body to be in any Sense a Part of the National Parliament. In short, so many are the Absurdities of an *English Convocation*, commencing a Part of an *English Parliament* ; that it cannot be asserted without a violent design upon the Constitution both of Synods and Parliaments : Nor can it be maintain'd without the utmost Confusion of Things and Persons.

If we consider the Laws and Customs of *England*, they entirely determine this matter : They most evidently shew, That the Clergy now in *Convocation* are an Assembly far different from the Clergy formerly in *Parliament*. And they do as fully demonstrate, That the Lower Clergy, if now again Præmonish'd and Return'd to Parliament, would be a distinct and

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separate Body from what they are and ever have been, in Synods or in Provincial Convocations.

To hint at these Marks of Distinction, which I imagine will be soon set in a fuller Light.

The Writs for Calling the Clergy to Parliament, and to Convocation (since the Statute of Submission) must be Both from the Crown; and yet they do not seem to proceed from the same Fountain of Royal Authority. The Writs to Parliament are from the *Civil* Supreme; those to Convocation are rather from the *Ecclesiastical* Supreme. The Diocesan Writs therefore to præmonish the Clergy to Parliament are from the King and Council; the Provincial Writs to the Archbishops for summoning Convocations are by sole Order of the King. And to evince the different Seat of Power, the Writs for Parliament proceed out of *one* Office; the Writs for Convocation out of *another*.

The Direction of these Writs and conveyance of them is very different; those for the Clergy to Parliament sent equally to every Bishop of the Kingdom, and to the Archbishops only as common Diocesans: But those for Convocation to the Archbishop of each Province, with no immediate notice from the King to any other Bishop.

Hence the Two Writs will as much differ in their Execution. Those for Parliament executed in the King's Name, immediately by the Bishops of the Nation, as Barons subject to the King: Those for Convocation in the Archbishop's Name, executed mediately by the Bishops

shops of the Province as Suffragans to their Metropolitan.

And therefore the *Return* of the Writs very different. A Return or Certificate upon the *Præmunientes* made to the King, or transmitted into some Office of the Crown. A Return to the Provincial Writ made finally to the Archbishop as President of Convocation. The same difference in the Instruments of Procuration, the Time and Place of Meeting different. The *Præmonish'd* Clergy to attend at the express Day and particular Place of opening the Parliament: The Convocational Clergy usually at some other *Time*, and constantly at some other *Place*; Both commonly prescribed by the King, and yet then referr'd to the Archbishop's Discretion, to be farther continued and prorogued in Time and Place, as he shall think expedient.

The Persons Summon'd to Convocation very different from those warn'd to Parliament. The Clergy of one Province only to the first, the Clergy of the whole Nation to this latter. Nor were the same Clergy of the same Province equally in Both Assemblies, some excluded from Parliament, and yet allow'd in Convocation; as more especially in the Province of *York*. And even so formerly the distinction was much greater, when many of the Inferior Religious did appear in Convocation, who were exempted from the Call to Parliament.

Even the same Members act in a different capacity; the Bishops appear in Parliament as National *Peers* or *Barons*, and Part of the *Civil* Legislature. In Convocation they appear as

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Comprovincial *Suffragans*, and a chief Part of the *Ecclesiastical* Judicature. And therefore they have had a different Name or Title to denote their different capacity ; In Convocation they are properly *Prelates* and *Suffragans* ; they are *Lords Spiritual* only in Parliament.

The Nature of their Jurisdiction , and the Obligation of their Laws were essentially different. The Bishops and Clergy in Parliament were *one of the Three Estates of the Realm* : And while they preferr'd any Petitions or Articles that were pass'd into Laws, those Laws for the Church had a *Civil* Sanction, and did oblige by *Temporal* Penalties. But in Convocations, as in Synods, the Bishops and Clergy were one single *Estate of the Church*, and therefore never made or Consented to any Constitutions, but as in *foro Ecclesiastico*, and could ratify 'em only with *Spiritual* Censures.

In short, the Capacities, Powers and Proceedings of the Clergy in Convocation are so very different from what they were and would be in Parliament : That now to mix and unite the Essential differences of *English Convocations* and *Parliaments*, is to break up all the Fences of our Constitution, and to lay Church and State in common Waste. Persons may confound the most opposite Beings, but their own Nature will of necessity divide 'em.

It were easy to prove, what I have before intimated, That when about middle of *Ed. III.* to gratify the Clergy themselves, they were allow'd by degrees to recede from their constant attendance in Parliament : And their appearance in Provincial Convocations under the Metropolitans

tans (at the King's Call to Answer the King's occasions) was accepted by the Crown as equivalent to their Parliamentary Attendance. From *that time*, I say, it were easy to prove, That tho' the *Premunientes Clause* was still preserv'd in the Bishops Writs as a Security to the King, and as an aw upon the Clergy ; yet it was very *rarely* executed, tho' seemingly kept up in some empty Forms of Citation, Election, and Procuratorial Letters, contriv'd to indemnify the Bishops and Clergy, if the offended Civil Power should call them to Account for any such Neglect or Absence. I say, *rarely executed*, because the King's Right to call the Lower Clergy to his Parliaments, and the Lower Clergy's Right to assist the King in Parliament, were neither of 'em actually renounc'd, or absolutely deny'd: And therefore upon extraordinary occasions, the Lower Clergy might *sometimes* make their personal appearance in Parliament, and might sometimes depute one or more Lay-Proctors to conclude 'em. But giving their Aids and Subsidies altogether in Convocations, and affecting independence from the Civil Legislature: They did as effectually as they could exclude themselves from Parliament; till by degrees they were not expected; and at last (about the Reign of *Hen. VIII.*) would not have gain'd admittance, if they had insisted upon their Ancient Right.

But because most People are content to drop the times of Popery, and would be only satisfied in the Constitution of Church and Kingdom since the *Reformation*: I shall in short observe, That in the Time of *Hen. VIII.* and so down-

downward, the Lower Clergy were never thought to be in Parliament: Nor would our Successive *English* Parliaments ever own or allow the Convocations to be any Part of 'em, or to bear any legal Relation to them.

As to the Reign of *Hen. VIII.* the Statute for *Ireland* 28 *H. 8. c. xii.* is evidence, That the Clergy of *England* had neither *then* nor some time *before* any Right in Parliament; but were call'd only in a concurrent Convocation to be occasional Counsellors and Assistants upon the pure Matters of Religion. It seems the *Irish* Clergy had preserv'd their Parliamentary Relation longer than the *English*; but *Hen. VIII.* finding them averse to the good designs of Reformation in that Kingdom, was resolv'd to exclude 'em from all Voice and Suffrage in the Parliament of *Ireland*, and to bring them down to the State of *English* Convocations. And therefore the *Act against Proctors to be any Member of Parliament* does declare, That *Forasmuch as at every Parliament begun and holden within this Land, Two Proctors of every Diocese within the same Land, have been used and accustomed to be summoned and warned to be at the same Parliament, which were never by the order of the Law, Usage, Custom, or otherwise any Member or Parcel of the whole Body of the Parliament, nor have had of Right any Voice or Suffrage in the same, but only to be there as Counsellors and Assistants to the same, and upon such things of Learning, as should happen in Controversy to declare their Opinions, much like as the Convocation within the Realm of England, is commonly at every Parliament begun and holden by the King's Highness special*

cial License, as His Majesty's Judges of his said Realm of England, and others others substantial and learned Men, having groundly enquired and examined the Root and first Establishment of the same do clearly determine, and yet by reason of this Sufferance, and by the continuance of time. — They now of their ambitious minds and presumption — do temerarily presume, and usurpely take upon themselves to be parcel of the Body, in manner claiming that without their assents nothing can be enacted at any Parliament within this Land. Wherefore be it enacted, — That the said Proctors ne any of them so summoned or warned to any Parliament — ne shall be any Member or Parcel of the Body of the same Parliament, ne shall give ne have any Voice, Opinion, Assent, ne Agreement to any Act, Provision or Ordinance. —

From which Act it is very plain, That the Clergy of *England* did not now claim (like those of *Ireland*) to be any Member or Parcel of Parliament, but were content to be the Body of a Convocation, not alway depending on, or united to the Parliament, but *commonly begun and holden by the King's Highness Special License*, i. e. by his Mandate to the Archbishop, or Royal Provincial Writ: Nor then to meddle or concern themselves with any Parliamentary Rights or Privileges; but to be Spiritual Counsellors and Assistants to the Parliament in bare Matters of Religion; and to declare their Opinion upon such things of Learning, as shall happen in Controversy; which is still the Nature and Design of an *English Convocation*.

In the Reign of *Edw. VI.* the Clergy were sensible, that the losing their old Parliamentary Relation was some prejudice to their interest in the *State*: And therefore, if possible, would have now recovered; what they before so unwillingly laid down. In Convocation, 1 *Ed. VI.* *In Inferiori Domo concordatum fuit, ut Dominus Prolocutor nomine totius Domus referat Reverendissimo subsequentes Petitiones.* — *Acta Convocat. 1547.*

2. *Item ut pro nonnullis urgentibus causis Convocatio hujus Cleri SI FIERI POSSIT assumatur & co-optetur in inferiorem Domum Parliamenti sicut ab ANTIQVO fieri consuevit.* Accordingly the Petition and Request made by the Clergy of the Lower House of Convocation to the Archbishop and Prelates was, That according to the Ancient Custom of this Realm, and the Tenour of the King's Writ for the Summoning of the Parliament, which be now and ever have been directed to the Bishops of every Diocese, the Clergy of the Lower House of the Convocation may be adjoined and associate with the Lower House of the Parliament; or else that all such Statutes and Ordinances as shall be made concerning all Matters of Religion and Causes Ecclesiastical, may not pass without the sight and assent of the said Clergy. And soon after they repeated their humble Suit unto the most Reverend Father in God, my Lord Archbishop of Canterbury, and all the other Bishops, that it may please them to be a Mean to the King's Majesty, and Lord Protector's Grace, that the said Clergy according to the Tenour of the King's Writ, and the Ancient Laws and Customs of this Noble Realm, might have their Room and Place, and be associated

Acta Convocat.

1547.

22 Nov.

Hist. Ref.

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16.

Ib. Num.

17.

ciated with the Commons in the Nether House of this present Parliament, as Members of the Commonwealth, and the King's most humble Subjects. From the Words, and occasion of these Two several Petitions, these consequences are, I think very plain. 1. That by the Rules of Convocation, the Lower Clergy (upon the Sense of any Grievance, or the Desire of any Favour) could regularly address to no other Powers or Persons, but to the Archbishop and Prelates in the Upper House, who were to be the only *Mean* to the King's Majesty, and to his Ministers, in behalf of the said Lower Clergy. 2. That the Inferior Dignitaries and Proctors were now at least excluded from their Old Place in Parliament; For their Petition of *Recovery* was a sufficient *Acknowledgment* of their being outed of *Possession*. 3. That their being readmitted to a Parliamentary Quality must be by vertue of the *Præmunientes* Writ to every Bishop; not by any force of the *Provincial* Writ to the Archbishop. This *Latter* making them a *Convocation*, while the *first* only could make 'em any Part of Parliament. 4. That these Petitions were made by the Popish Clergy upon a prospect of the Reformation to be made in Parliament; and in order if possible to hinder that Reformation; as they profess'd their design, in requiring at least that no Acts might be pass'd concerning Matters of Religion and Causes Ecclesiastical without their *Assent*, or at least without their *Priviety*. 5. It is certain, the Petitions were not granted.

In the Reign of Queen *Mary*, it is observable, That the *Popish* Clergy being now secure of their old State of Religion, were content with an Exemption from Parliament: And therefore among all their Petitions for Ecclesiastical Liberty, I do not remember they ever mov'd for Restitution to Seat and Suffrage in the *Parliament*. But indeed the *Protestant* Clergy seeing themselves over-powered in *Convocation*, would have took refuge in their Antiquated *Parliamentary* Rights; Upon this Principle, Mr. Archdeacon *Philpot* pleaded before the Council, *Novemb. 6. 1555*. That he was not accountable for words spoken in *Convocation*, because that *House* being a Member of *Parliament*, ought to be a Place of free Speech for *All Men* of the *House* by the ancient and laudable Custom of this *Realm*. But the Lords *Rich.* and *Windsor* spoke the Sense of the Board, and I presume of the Judges and Lawyers of that time; that the *Convocation* was no Part of *Parliament*, tho' by an old custom it was called together by one Writ of Summons with the *Parliament*. Which latter part of their Judgment is not accurately express'd; For the *Convocation* was never call'd by one and the same Writ of Summons with the *Parliament*; but by a different Writ of a different Nature, however first by *Accident*, and then by *Custom*, concurrent with the Writs for *Parliament*.

Under Queen *Elizabeth*, the Reformed Clergy being confin'd to *Convocations* without respect to *Parliamentary* Voice or Interest, were again sensible, that they should have a much greater influence upon Church Affairs, if they could be let in to the *Civil Legislature*. And

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therefore there was a Paper offered to *Q. Elizabeth*, containing *Reasons to induce her Majesty, that Deans, Archdeacons, and some other of her Grave and Wise Clergy may be admitted into the Lower House of Parliament.*

Mr. A. in hast call'd this Paper, *Bishop Ravis's Reasons presented to Q. Elizabeth*, when yet the Queen was dead before *Ravis* was a Bishop; and *He* was concern'd only many Years after in transcribing and amending that Paper for the view of King *James*.

But however by the Title and whole Tenour of that Petition, we cannot find, that they would have the Lower House of Convocation declar'd to be any Member of Parliament; or as join'd with the Upper House, to be one *Estate* of the Realm, the Bishops and Clergy in Parliament. But they seem rather to have projected, that some part of the more Wise and Grave Clergy should be admitted into the House of Commons to advise and assist in the *Causes of Religion*. However, these things appear by their several Articles of Request.

By the 2d they acknowledge, That *no Cause concerning Religion may be handled—without her Majesty's special leave, but with the manifest impeaching of her Prerogative Royal, and contempt of the Order by Law established.* By the 4th, they confess the Lower Clergy to be now excluded from any Union with the Parliament, tho' they think, *It doth not appear, Why they were excluded.* By the 5th they disclaim any Relation to Parliament by vertue of the Provincial Writ, and so assembled as a proper Convocation: For they resolve their Parliamentary interest into the

old

old Execution of the *Præmunientes Clause*, which Clause they observe to be still inserted, but not to be still executed. *They are yet to this day called by several Writs, directed into the several Dioceses under the Great Seal, to assist the Prince in that High Court of Parliament.* By the 7th and 8th they ground their Request upon this Supposition, that the Inferior Clergy in their Ecclesiastical Capacity did not then Vote for Members of Parliament; which if they had then done (as they now do) they had lost the best Argument of Returning their own Proctors; because in Voting for Knights of the Shire, they had been sufficiently concluded by those Lay-Representatives. For they argue, *That in the Assembly of Parliament every Shire hath their Knights, and every incorporate Town their Burgeffes, only the Clergy and Universities are excluded, and thereby of all other in worst condition.* For the Wisdom and Justice of this Realm doth intend, *That no Subject should be bound to that Law, whereunto He himself (after a sort) have not yielded his consent; but the Clergy and Universities might then be concluded by Law, without their Consent, without their just Defence, without their Privity.* This hardship is now taken off from the Universities and the Clergy; and therefore this Reason is taken off with it. But it is certain, whenever this Petition was offered, it had no effect at all with the Queen and her Council. For the Clergy during her whole Reign kept strictly within the Bounds of a *Provincial Convocation*, and were never allow'd any thing of the nature of a *Parliamentary Meeting*. As all the Journals of both

Houses in Parliament and Convocation do testify beyond Dispute.

In the Reign of K. *James I.* the same Paper for admitting the Clergy into the Lower House of Parliament, was written over with some Variations and Amendments by Bishop *Ravis's* own hand, to be presented to the King. We know little of the delivery or acceptance of it: But we are sure, there were no such Proposals put in any sort of practice for that whole Reign. How little the *House of Commons* thought themselves related to the Lower *House of Convocation*, may appear from the following Extracts out of their own Journal. *An. 1. Jac.* when they would hold no manner of correspondence with the Inferior Clergy; nor even confer with the Bishops themselves as *Prelates in Convocation*, but only as *Lords of Parliament*.

Journal
H. of Com-
mons N. 1.
1 Jac.
1603. p.
248.

Die Luna 16 Apr. 1604. Mr. Speaker publisheth to the House, That he understood by Message from his Majesty, that he had taken knowledge of the Complaints made against the Proceedings of the Commissary's Courts, and of their desire to treat touching Reformation of Matters of Religion. Before they intermeddled in these things, He wish'd they would confer with the Members of the Convocation-House. Upon this Message there grew some dispute, and it was urg'd, That there was no President of any Conference with a Convocation. But it was said, they would be ready to confer with the Bishops as Lords of Parliament, and wish'd, that so much might be made known to his Majesty.

Die

Die Martis 17 Apr. 1604. Mr. Speaker en- Ib. p.271.
largerh the Message from His Majesty, touching
Matters of Religion. That his Majesty wisheth an
absolute Reformation. That in some things the Con-
vocation may have assistance from this House, &c.
The manner of this Proceeding again disputed, and
in the end thought fit and so ordered to have Con-
ference with the Bishops as Lords of the Upper
House touching these Matters.

Die Mercur. 18 Apr. 1604. Upon a Motion
touching Matters of Religion.—Mr. Speaker Ib. p.274,
took occasion to deliver his Majesty's further plea- 275-
sure. That touching those Matters he had given
Power by his Letters-Patents to the Members of the
Convocation House, to declare, consider, and de-
termine; that his Majesty would make no newer
Presidents, would protect us in that we have, and
not subject us to any other, and wisheth we would
confer with the Bishops as Lords of Parliament;
which was agreed, and the Messengers appointed
to move to that purpose. Or as in the Journal Ib. p.404.
of the House of Lords, 18 Apr. 1604. " The
" Commons were willing to have such a Con-
" ference with some select Number of the Bi-
" shops; so as they might confer with them
" as Lords of the Higher House of Parliament,
" and not in such condition and quality as
" they are of the Convocation-House.

Die Jovis 24 Maii. 1604. Sir Francis Hastings
remembreth the Proceeding touching Matters of Ib. p.601,
Religion in the late Conference.—Upon one of 602.
the Heads referr'd to the next Conference, Learned
Ministers how to be settled by Law, some of the
Convocation-House to attend and deliver Reasons
—Not Agreed.

P. 678.

Die Veneris. 8 Junii 1604. Sir Francis Hastings maketh Report of the Meeting and Conference of the Sub-Committees of Both Houses at Whitehal upon Mondaylast.——An Instrument read by a Bishop coming from the Convocation House, viz. A Mislike uttered that the House of Commons should deal in any Matters of Religion.——Disliked of the Conference of the Bishops with Us. That it prejudg'd the Liberties of the Church: That if the Bishops would not desist, they would appeal to the King, who had given them authority to deal only in these Matters.——Sundry Motions ensu'd this Report.——Among others,——That we should proceed to send for the Instrument till we know whether it be the fault of the Convocation.——Some of this House being of the Convocation-House, let us enjoin them to bring a Copy of the Letters of Authority granted to that House.——An Act of Parliament will bind the Matter of Ceremony more, than a Convocation Pamphlet.——Papists get too much encouragement from the Convocation House.

P. 701.

Die Mercur. 13 Junii 1604. Sir Francis Hastings reporteth the Travel of the Sub-Committees appointed to search Presidents touching intermeddling with Matters Ecclesiastical.——Many Presidents and Laws produc'd.——Agreed, to desire that the Submission of the Bishop in Writing may be sent down hither, and here recorded.

Die Jovis 21 Junii 1604. A Question mov'd touching the Instrument of Inhibition from the Convocation-House read at the last Conference for Matters of Religion. As also touching the Submission, and Book of the Bishop of Bristow.——And upon several Questions Resolv'd.——1. To pray Conference touching the Instrument read by the Bishop at

at the late Conference, taxing the intermeddling of this House in Matters of Religion. 2. To desire the submission of the Bishop in Writing to be delivered unto them publickly in the House before the Lords. And that the Books might be prohibited and suppress'd.

Die Veneris. 29 Junii 1604. Matters for a P. 782, Conference with the Lords——Submission or Recognition of the Bishop. Question of the Authority of this House, and of the Convocation House in Matters Ecclesiastical. 783.

Die Lunæ 2 Julii 1604. Sir Francis Hastings maketh a brief Report of part of the late Conference had with the Lords.——The Matter of the Convocation House.——The Submission of the Bishop in his charge.——Then the former Instrument of the Convocation, &c. that the Laity had nothing to do, &c. read again. But the Bishop of London said, they conceiv'd the Privilege of Parliament to stand upright, therefore wish'd there might be no more ado made of it.

From these Debates and Resolutions there be many plain and easy Inferences, which I leave to All that can judge of those times, or of our own. I cannot but observe another Instance of the Opinion of the H. of Commons in that Reign; how tender of their own Parliamentary Rights, and how jealous of the Convocation's pretending to 'em. An Instance that Dr. A. himself should have given; For He relates, that Dr. Cowel's Interpreter was censur'd by the Two Houses, as asserting several Points to the overthrow and destruction of Parliaments, and of the fundamental Laws and Government of the Kingdom. He repeats one Article charg'd upon Him,

Rights, &c.
of Convoc.
Pref.
p. 357.

Him, and might have added this other ; that on *Saturday 24 Febr. 1609.* a Report was made in the *H. of Commons* from a Committee, That they had examined certain Heads rashly, dangerously and perniciously asserted in the said Book, call'd the *Interpreter* ; As among the Particulars. 5thly, in verbo Proctors of the Clergy. — These Proctors of the Clergy howsoever of late days, — had heretofore Place and Suffrage in the *Commons House of Parliament.* — This gave the great Offence, because they thought it a violence to the Constitution of Parliaments, and a false Pretension of the Clergy : For these Proctors in Convocation, were not the same with those Proctors of the Clergy in Parliament, and never had Place or Suffrage in the Commons House. Those old Parliamentary Proctors of the Clergy were call'd by different Writs of a different Authority, with different Powers to a different Place and Time. And therefore this confounding of the Clergy Proctors in ancient Parliaments and present Convocations, was it seems one part of those Outlandish Politicks, for which (He says) the Author was taken into Custody, and his Book condemned to the Flames.

If there be any farther need to prove, That the Proctors in Convocation by the Provincial Writ, were not now design'd to be Proctors in Parliament by the Diocesan Writ : It might be considered, That this Prince at the very latter end of his Reign did solemnly declare in effect, that by the formal retaining of the *Premunientes* Clause in this Writ of Summons to every Bishop ; He meant no Execution, nor intended any Call of the Lower Clergy to Parliament, but

only

only of the Bishops. For in his Speech to the Parliament January 30. 1620. He thus expresses himself.—Now consider first who called you? Nulson
 Your King. Secondly, whom he calls? the Peers, Collect.
 who in respect of the eminency of their Places and Vol. 1.
 Highness have an interest therein by Birth and In- Pref.
 heritance, because they are to assist the King in his P. 8.
 greatest Affairs. In the next, the Church, the Clergy, NOT ALL, but the principal Heads thereof the Bishops, whose Holiness of Life doth claim a Privilege in Advice, and in respect of their Baronies also.

If we pass to the Reign of K. Charles I. It is certain, the Convocation made no claim of any dependence on the Parliament, or any necessary concurrence with it. I'll report the Case of 1640. because some unjust Reflexions have been made upon it: By the Account of Archbishop Laud, His Majesty was not willing to lose the Subsidies granted by the Clergy, and therefore thought Hist. of
 upon continuing of the Convocation, though the Troub. and
 Parliament were ended, but had not opened those Trial of
 thoughts of his to the Archbishop, who had sent Archbishop
 to dissolve the Convocation at their next Sitting; p. 79.
 hast and trouble of these Businesses, making him
 forget, That he was to have the King's Writ for
 the Dismissing as well as the Convening of it.
 Where the Archbishop's Judgment and Practice is very clear, that the Convocation sitting not by the Parliamentary, but the Provincial Writ, was not dissolv'd with the Parliament, but continued the same after it; and must be dismiss'd, as it was conven'd, by a distinct Writ: tho' the commonly received Custom of calling a Convocation a day or two after the Opening of a Parliament, did as generally incline

cline the King to dissolve it a day or two after the *Rising* of the same Parliament. If these two Bodies had been by Law inseparably concurrent, they must have had their Beginning and Ending together: But if *One* could legally subsist without the *Other* a day or two, it might in its own nature subsist all the days of a Week, or Month, or any time, till a Writ should be issued out, which in Law did alone determine the *End* of it. On this Reason, the King was assured it was Legal to continue the

Ib. p. 80. Convocation after he had dissolv'd the Parliament. Upon this (says the Archbishop) I was commanded to sit, and go on with the Convocation. At first some little Exception was taken (or Question was made) there by two or three of the Lower House of Convocation, whether we might sit or no. But it seems this Exception in the Lower House, was not grounded upon a Notion, that their Assembly, as a Convocation, did purely depend upon the Parliament; but that their Commission, as a Synod, was limited to the time of Parliament, as one of that House does represent the sense of it. Whereupon the Convocation was adjourned from Wednesday, till the Friday following, and then till the next day after, and so till Monday, to the great amazement of many of the Members of it, who expected to have been dissolved, when the Parliament was, according to that Clause in the Commission aforesaid, by which it was restrained to the time of the Parliament only. So as their scruple was, not that the Letters which summon'd them to sit, but that the Letters which authoriz'd them to act, were confin'd to Parliament time: And that they should now want not a new Call, but a new

Heylyn's
Life of
Archbishop
Laud.
p. 402.

Com-

mission. And therefore much Pains was taken by some of the Company, who had studied in the Records of Convocation, in shewing the difference betwixt the Writ for calling a Parliament, and that for assembling a Convocation; their different Form, and the independence of the one upon the other: But more especially betwixt the Writ, by which they were made a Convocation, and that Commission by which they were enabled to the making of Canons; that though the Commission was expired with the Parliament, yet the Writ continued still in force; and by that Writ, they were to remain a Convocation till they were dissolv'd by another. With which distinction, the greatest Part of those, who before had scrupled at their Sitting, did appear well satisfied. But the Archbishop, who knew that all possible advantage would be taken against the King and the Church, for any proceeding that could be charg'd with Illegality, acquainted his Majesty with this doubt; and humbly besought him, that his Learned Council, and other Persons of Honour, well acquainted with the Laws of the Realm might deliver their Judgment upon it. This his Majesty graciously approved; and the Question was put to them: They answered as followeth under their Hands.

Ib. P. 404.

TH E Convocation being called by the King's Writ or Commission under the Great Seal, doth continue until it be dissolved, by Writ or Commission under the Great Seal, notwithstanding the Parliament be Dissolved.

14 Maii. 1540.

Jo. Finch C. S.

H. Man-

H. Manchester,
John Bramston,
Edward Littleton,

Ralph Whitfield,
John Banks,
Rob. Heath.

Hist. of
Troub. &c.
of Arch-
bishop
Laud.
p. 80.

Rights, &c.
of Convoc.
p. 67.

The Judgment of these great Lawyers settled Both
Houses of Convocation. So we proceeded accord-
ing to the Power given us under the Broad Seal,
as is required by the Statute. 25 H. 8. Cap. 19.

The Author of the Rights, &c. of Convoca-
tion, would represent this Judgment as an Eva-
luation of the Point in Question, as prevaricating
with the King and their own Conscience. For
says he, This is all very true, and yet it may be
true too, that such a Writ or Commission ought of
course to issue from the Crown, upon the Dissolu-
tion of the Parliament. But this Point is not

touch'd upon in the Judgment given, and seems
to have been purposely declined. I cannot think
those Great Men purposely declined the pro-
per Point of Law, when they gave a solemn
Opinion in a Case that turn'd upon that very
Point : For the Delivery of their Judgment in
such words had not been then owing to any Ig-
norance or Surprize, but to the most deliberate
Insincerity. They well knew, That a Writ
or Commission for dissolving the Convocation
had ordinarily soon followed the dissolution of
a Parliament. But if they had thought with
our new Author, that such a Writ or Commis-
sion ought of course to issue from the Crown, at
the Period of every Parliament ; then the word-
ing of their Opinion had not been ingenuous
nor true ; but they must have drawn up a
Form to this contrary Import, The Convoca-
tion

tion being called by the King's Writ with the Parliament, cannot continue after Parliament, but must be dissolved by Writ or Commission under the Great Seal, as soon as the Parliament it self is dissolv'd. But they could not not so express themselves, because they had no such Sense of that Matter. In their own Sense, their Determination of the Case was more clear and full, than if it had been put in the words which that correcting Author would dictate for 'em. *That the King might by his Prerogative keep a Convocation sitting as long as he pleased, notwithstanding the Dissolution of that Parliament, with which it was called.* They must think this true, tho' they would have thought it invidiously worded; For the Case was not of *Prerogative*, but of *Common Law*; Nor was the Question of time, as long as the King pleas'd, but more softly, longer than a Sitting Parliament if the King pleas'd.

In the Trial of the Archbishop, those who were to aggravate every displeasing thing, could not but make an Accusation of this matter. Wherefore upon Apr. 16 1644. I appeared (says the Archbishop) and—Mr. Maynard left off, and Mr. Nicholas a Man of another temper undertook the managing of the Evidence. And the first Charge was concerning the late Canons, for the making of which *He* said it was against Law for the Convocation to Sit, the Parliament being dissolved. No, my Lords, nothing against Law that I know. For we were called to Sit in Convocation, by a different Writ from that which called us as Bishops to the Parliament.

Hist. of
Troub. of
Archbishop
Laud.
p. 282.

liament. And we could not rise, till his Majesty sent us another Writ to discharge Us; and this is well known to the Judges, and the other Lawyers here present: So we continued sitting, though the Parliament rose.

It is very certain, the Gentlemen who had been Members of the dissolved Parliament, were highly offended, that the Convocation should be so civilly retain'd, when they thought themselves somewhat rudely *discharg'd*: The offence arose at first not from a suspicion of the *Illegality*, but from a Sense of the *Indignity* put upon 'em. And they were afterward more incens'd at the Clergies subsequent *Proceedings*, than they were at their continued *Sessions*; when they saw them give Taxes without consent or confirmation of Parliament; and make Canons with design (as they thought) upon the Liberties of the Subject. So it was not their *Sitting*, but their *Acting* that was so immediately condemn'd as Arbitrary and Illegal. Wherefore in the Debates upon this matter of the House of Commons, *Die Mercur. Decemb. 16. 1640.* they only Resolv'd, 1. *That the Canons and Constitutions did contain in them many Matters contrary to the King's Prerogative, to the Fundamental Laws and Statutes of this Realm, to the Rights of Parliament, to the Property and Liberty of the Subject, &c.* 2. *That the several Grants of the Benevolence or Contribution—were contrary to the Laws, and ought not to bind the Clergy.* They did not touch upon the continuance of Convocation after the *Dissolution* of
Par-

Parliament; which if they had agreed to be in it self Illegal, they would have begun or ended with a Resolution of this Nature, *That the Convocation's Sitting after the Parliament, made all their Proceedings Null and Void in Law.* And therefore Mr. *A.* did not deal fairly in Reporting, That *this Opinion also that Parliament was of, which Voted the Canons of 1640. Illegal, chiefly on this Head, because they were made in an Assembly; which, though it met by the Parliament Writ, yet Sate and Acted after the Parliament was determin'd.* But why chiefly on this Head, when it was not at all on this Account? Neither the Parliament, Nor any One of the Two Houses, declar'd their Opinion upon *this Head*; but resolv'd their Censure into other exprefs Reasons.

*Rights of
Convoc.
p. 67.*

And from all the other Speeches, Debates, and Writings of that time, it is, I think, plain, that they had no settled Opinion of the Necessity of a *Convocation* beginning and ending with a *Parliament*. They only knew, that Provincial *Convocations* had been long call'd at or near the time of National *Parliaments*, and had been seldom continued above a day or two beyond those *Parliaments*. But this by the King's Sovereign pleasure, which had created such later Custom; not by any Parliamentary Law, not by Statute, nor by any Usage much above the Reformation; nay nor by that Usage uninterrupted since the Reformation.

Rights, &c.
of Convoc.
P. 17.

Before the *Submission Act*, Mr. A. himself has acknowledg'd, That the continuance of a *Convocation* did not depend upon the continuance of a *Parliament*, with which it was called; but might be kept on at the Archbishop's pleasure, after the Dissolution of a *Parliament*, and even after the death of the King. Now therefore by the *Submission Act*, all the antecedent Power of the Archbishop in Convening and Dissolving a *Convocation*, was transfer'd or restor'd to the King. If the Archbishop before that *Act*, could prolong the *Convocation*, (especially the *Synod*) independent on the *Parliament*: The Prince was now by Law fully invested with the same Power. And tho' He commonly dismiss'd a *Convocation*, near the dissolving of his *Parliament*, because there were rarely any separate occasions for it: Yet if the *Convocation* had not yet answered the design of their *Summons*; and more especially, if by legal Commission from the Ecclesiastical Supreme, it was now a more proper *Spnod*, and treating of *Canons* and *Constitutions*, as well as of *Aid* and *Benevolence*: The Prince might then by the *Laws* of the Land, and the Custom of Ecclesiastical *Synods*, keep such an Assembly Sitting after the expiration of *Parliament*. For as the *Parliament* and *Convocation* were call'd by distinct *Writ*s; So the *Parliament* was alway dissolv'd by a *Writ* not including the *Convocation*, which could not be dissolv'd till the King should issue out another *Writ*.

Our

Our Princes indeed might by degrees establish this Custom of a concomitant Call and Dismission of the Parliament and Convocation; till such prevailing Custom might determine their Successors not to vary from the received Rules of Observation. But then, it would resolve into Customary Practice, not into the express Declaration of any Ecclesiastical or Civil Laws. And therefore I am now Reporting the Opinion of *that Reign*, without respect to the present time, when this Matter is not now a Subject of Dispute, and I hope will never again be made so.

It is enough that the Judges and Lawyers *then* thought the Constitution of Parliaments and Convocations to be very different in their *Call* and *Dissolution*. And the Lower Clergy seem'd *then* to apprehend, it would not be to the Interest and Honour of the Church, to plead for such a necessary Union between 'em. For at least, in frequent Parliaments, and long-depending Sessions, to be always in *Attendance*, with little Business, and (for want of Commission) with little Power of bringing that Business to effect: This might prove not the Liberty and the Privilege, but in time the Burden and Grievance of their Order; and make them Petition for a Relief from it. They had seen perhaps an Original Letter of *Thomas* Archbishop of *Cant.* to the Lord *Cromwel* the great Minister of State, about 1537. wherein He *beseeches my Lord to be intercessor unto the King's Highness for them All* (I with other Bishops and Learned Men here assembled by the King's Commandment)

MS. Cotton Cleopatra. E. V. Fol. 52.

mandment) that they might have his Grace's License to depart for this time, until his Grace's further pleasure be known. For they die almost every where, &c.

Rights of
Convoc.
P. 49.

Mr. A. indeed was pleas'd to say, That from 1 Ed. VI. to this Reign the Clergy have, I think, met always and parted within a day of the Parliament.—There have been no Deviations from this Rule that I know of, except in a Legatine Synod or two (which are no Presidents) and once in the Convocation of 1640. Yes, the Instances of a Legatine Synod or two are good Presidents of a common Notion about the distinct and separate Nature of Parliamentary and Synodical Meetings. But there have been other Presidents in proper Convocations, especially in the Province of York, where Anno 1621. there were 19 days distance between their Parting; for the Parliament was dissolv'd on the 8th of Feb. but the Convocation not dismiss'd till the 27th of the same Month. And tho' the King's Writ for Dissolution was sooner issued out; it is only an Argument, that every Convocation continues, till the regular Execution of such Writ, which in that remoter Province must be at an uncertain Day. And therefore I hope Mr. A. himself was sensible of his Mistake in that round Assertion: For tho' He is positive in the first Edit. p. 68. Sure we are, that the Convocation of the Clergy have (as has been said already) for above 150 years in every Instance (except that of Forty and the Synods Legatine) Met and Rose within a day of the Parliament.

Yet

Yet in his Second Edition, p. 67. he leaves out the *every Instance*, and the *only Exceptions* to the contrary, and makes the Paragraph run in a more modest, and perfectly new manner.

To Conclude with the Reign of K. Ch. 2. the same Author expresses himself with some diffidence, and speaks only of *Probability* and a *Piece of Opinion*. *I will not say, that the Parliament of 1660. were certainly of the same Rights of Mind, though it is probable they were; and this Convoc. was One, if not the chief Reason, why in the Act* P. 67, 68. *restoring Ecclesiastical Jurisdiction, they so particularly, and by name Excepted those Canons from a Parliamentary Confirmation. It is hard and bold to guess this the chief Reason, when 'tis not probable to have been any such Reason at all. At least no shadow of such Reason does appear in the Act it self, or in any Debates relating to it. From the Journal of the House of Commons in that Sessions, it seems more probable, that they did not believe any such intimate Relation between the Parliament and Convocation: But were rather jealous of this latter interfering with the former. See the Reports Die Jovis 10 Apr. and Die Mercur. 16. Apr. 14. Car. 2. It is remarkable, that Dr. P. Heylyn upon the King's Restoration, in a laudable zeal for the Church of England, applied himself to a Great Minister of State, that there might be a Convocation call'd with the first new Parliament.*

The Letter is since published, wherein He does not argue upon the legal and necessary connexion between Parliaments and Convocations : p. 246.

Mr. Vernon's Life of Dr. Heylin.

tions: For *this* would have detracted from the Dignity of National Councils, and from the very Nature of Synodical Assemblies. He does truly call it an *Innovation*, that any *Parliament* should be call'd without a *Meeting* of the *Clergy* at the same time with it. For to omit a good old Custom is properly to *Innovate*, and the true Friends of the Church will heartily desire to have no such *Innovations*.

But He resolves the Reasons of *Convening* into the Honour of the *Bishops*, and the assistance of the *King* from the Inferior Clergy. Says He, " There is, My Lord, a General Speech, but a more General Fear withal amongst some of the Clergy, that there will be no *Convocation* called with the following *Parliament*; which if it should be so resolved on, cannot but raise sad thoughts in the Hearts of those, who wish the Peace and Happiness of our *English Sion*. But being the Bishops are excluded from their Votes in *Parliament*, there is no other way to keep up their Honour and Esteem in the Eyes of the People, but the retaining of their Places in the *Convocation*. Nor have the Lower Clergy any other means to shew their Duty to the King, and keep that little freedom which is left unto them, than by assembling in such Meetings, where they may exercise the Power of a *Convocation*, in granting Subsidies to His Majesty tho' in nothing else. And should that Power be taken from them, according to the constant

stant (but unprecedented) practice of the
 late Long Parliament, and that they must
 be taxed and rated with the rest of the
 Subjects without their liking and consent,
 I cannot see what will become of the first
 Article of *Magna Charta*, so solemnly, so
 frequently confirm'd in Parliament, or what
 can be possibly left unto them of either
 the Rights or Liberties belonging to an
English Subject.

In short, Neither in *this* Reign, nor in
 the next, had they any refined Notions of
 the Convocation being a *Parliamentary Bo-*
dy, and an *Essential Part of the Constitu-*
tion, with a Right and an Obligation of
 perpetual *Attending* the continued Sessions
 of every *Parliament*. For then the Convo-
 cation would not have declined Meeting with
one Parliament; nor have omitted their At-
 tendance at the Place of Sitting in *Another*;
 nor wav'd the Choice of a Speaker, and
 the Capacity of doing Business in a *Third*;
 nor have kept themselves upon Guard and
 Caution in *All Others*: Depending on the
 Wisdom and Honour of the Parliament, that
 they would not transact any great Matters of
 Religion, without *their* previous Advice and
 Resolutions: And then relying on the Grace
 and Clemency of the King, that upon any
 such great Occasions, they should obtain his
 Letters of *Royal License*, to Confer, Debate,
 Consider, and Agree upon such Constitutions or
 Ordinances, as should be afterward Allowed,
 Confirm'd, and Ratified by other *Letters-*
Patents,

Patents, or by more effectual *Acts* of the Legislative Power. But *without* such Commission, they attempted nothing as a *Synod*, nor so much as prepar'd a Draught of any Article, Canon, Decree, Sentence, or Ecclesiastical Judgment; to avoid the Severity of Laws, and the Mercy of those who might be put upon the Execution of them. They were undoubtedly sensible, that the *Submission Act* was some hardship upon a National Church, and left it too incapable (without breaking through the restraint) to defend or preserve itself in times of Persecution. And therefore they would possibly have wish'd for, and promoted any Release or Mitigation of legal *Premunire*; and would gladly have petition'd for some other *Laws*, to Explain, Assert, and Secure the Liberties of Church and Clergy. In the mean time, they knew it their Duty and their Interest to be Prudent and Peaceable; the *Archbishop and Bishops* to be Tender and Courteous to the Clergy; the Clergy to be Respectful and Obedient to the Archbishop and Bishops. All of them sensible, That little Dispute among themselves would but gratify the common Adversaries of the Church, and of Christian Religion: *Sensible*, That the Piety, Temperance, Charity, Meekness, Moderation, good Doctrines, and good Lives, would best adorn their *Order*, and preserve their *Constitution*.

(139)

For which let your Prayers and mine be
ever wanting.

July 4. 1701.

*I am your Obliged
and sincere Friend.*



FINIS.

(111)

ERRATA in the late Edition of *Ecclesiastical Synods and Parliamentary Convocations.*

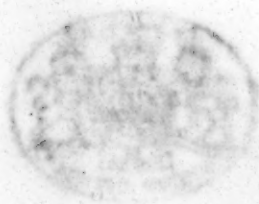
PAge 7. Line 24. *neither before nor after?* not with a Note of *Interrogation*, but a full Point. p. 22. l. 13. *History Synods*, for *History of Synods*. p. 23. l. 8. *almost* for *utmost*. p. 36. l. 7. *silly* for *shallow*, as in the place cited. p. 51. l. 20. *ry well* for *very well*. p. 69. l. 7. *necessary* for *necessarily*. p. 73. l. 3. *understood* for *understand*. p. 79. l. 3. p. 303, for 103. p. 110. l. 31. *National* for *General*, as in the place cited. p. 125. l. ult. Aug. 25. for Aug. 23. p. 139. Margin, *bringing reasons of*, for *reasons of bringing*. p. 147. l. 13. *clear by* for *clearly*. p. 153. l. 23. *monitionem* for *monitiones*. ib. l. 27. col. 1064. for 2064. p. 185. l. 9. *but for of*; any one may see it was so wrote, and so meant. *That great Prelate has yet serv'd no Interests of his own*. p. 231. l. 26. *tractartui* for *tractaturi*. p. 240. l. 8. *Ordeicus* for *Ordericus*. ib. l. 26. *Orden* for *Order*. p. 247. l. 18. *never* for *ever*. p. 249. l. 2. *Subjects* for *Subject*. p. 251. l. 3. *derri'd* for *depriv'd*. p. 270. l. 7. *fedat* for *fedat*. p. 280. l. 29. *Cause* for *Clause*. 322. l. 19. *shifts and ciutions* for *shifts and evasions*. p. 334. col. 1. l. 10. *of the Parliament*, for *of the first Parliament*. p. 341. col. 1. l. 10. *Aspersion* for *Affersion*. ib. l. 19. *could appointed* for *could have appointed*. p. 357. col. 1. l. 15. *on further* for *no further*. p. 367. col. 2. l. 15. *ehere* for *there*. p. 368. col. 2. l. ult. *stood have* for *hauc stood*. p. 383. l. 12. *Superior* for *Supprior*.

ERRATA in these Sheets.

PAge 24. l. 29. *defend* for *defended*. p. 44. l. 4. from bottom, *assentum* for *assensum*. p. 102. l. 5. from bottom *fame Convocation* for *same in Convocation*.

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